

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

- - - - -X  
UNITED STATES OF AMERICA 18-CR-6094(G)  
vs.  
CARLOS JAVIER FIGUEROA, Rochester, New York  
Defendant. June 2, 2021  
8:30 a.m.  
- - - - -X

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE FRANK P. GERACI, JR.  
UNITED STATES DISTRICT CHIEF JUDGE

JAMES P. KENNEDY, JR., ESQ.  
United States Attorney  
BY: ROBERT A. MARANGOLA, ESQ.  
CASSIE M. KOCHER, ESQ.  
Assistant United States Attorneys  
500 Federal Building  
Rochester, New York 14614  
Appearing on behalf of the United States

PAUL J. VACCA, JR., ESQ.  
One East Main Street, Suite 1000  
Rochester, New York 14614  
Appearing on behalf of the Defendant

ALSO PRESENT: Gabriela Loncar, Spanish Interpreter  
James Hontoria, Spanish Interpreter

COURT REPORTER: Christi A. Macri, FAPR-RMR-CRR-CSR(NY/CA)  
Christimacri50@gmail.com  
Kenneth B. Keating Federal Building  
100 State Street, Room 2640  
Rochester, New York 14614

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

WITNESS FOR THE GOVERNMENT

Roberto Figueroa  
Direct examination by Mr. Marangola

Page 3

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

P R O C E E D I N G S

\* \* \*

(WHEREUPON, the defendant is present).

**THE COURT:** Good morning.

08:09:55AM **MR. MARANGOLA:** Good morning, Your Honor.

**MR. VACCA:** Good morning, Judge.

**THE COURT:** Ready to proceed?

**MR. MARANGOLA:** Yes.

**THE COURT:** Bring the jury out.

09:11:59AM Just for counsel's purpose, it appears one of the  
jurors has a conflict on June 25th in the morning, a medical  
appointment. So I think we will not be in session on that  
date, okay? June 25th.

(WHEREUPON, the jury is present).

09:14:05AM **THE COURT:** Good morning, members of the jury.

Members of the jury, one of the jurors does have a medical  
appointment on June 25th. Based upon that we will not be in  
session on Friday, June 25th. Okay.

Mr. Figueroa, I remind you you remain under oath.  
Thank you. You may proceed.

09:15:23AM

**MR. MARANGOLA:** Thank you, Your Honor.

**BY MR. MARANGOLA:**

Q. Mr. Figueroa, good morning.

A. Good morning.

09:15:32AM Q. Yesterday toward the end of our session you were

1 identifying some of the locations where Javi had individuals  
2 selling drugs from. Do you recall that?

3 A. Yes.

4 Q. And I think you identified a house on LaForce Street. Do  
09:15:54AM 5 you recall that?

6 A. Yes.

7 Q. What other streets were there houses -- that the defendant  
8 had houses that individuals sold drugs for him on?

9 A. Conkey and Burbank.

09:16:08AM 10 Q. All right. At this time I'd like to show you what is not  
11 in evidence as Government's Exhibit 85. Do you recognize any  
12 of the houses shown in Government's Exhibit 85?

13 A. Yes.

14 Q. And you placed a mark on one of the houses?

09:16:34AM 15 A. Yes.

16 Q. What house do you recognize that to be?

17 A. That's Conkey.

18 Q. That's a house on Conkey?

19 A. Yes.

09:16:40AM 20 Q. What do you recognize that -- specifically that house on  
21 Conkey to be?

22 A. A house.

23 Q. What house?

24 A. A drug house.

09:16:52AM 25 Q. Who was supplying the drugs for that location?

1 A. My brother Javi; and Tapon was running the house.

2 Q. Tapon was running the house?

3 A. Yeah, running the street.

4 Q. Does Government's Exhibit 85 fairly and accurately show  
09:17:07AM 5 the house on Conkey that your brother was supplying and that  
6 Tapon was running during the time you were a member of this  
7 operation?

8 A. Yes.

9 **MR. MARANGOLA:** At this time I'd offer Government's  
09:17:20AM 10 Exhibit 85.

11 **MR. VACCA:** Objection, Your Honor, lack of  
12 foundation and relevancy.

13 **THE COURT:** Overruled. Exhibit 85 will be received.

14 (**WHEREUPON**, Government's Exhibit 85 was received  
09:17:35AM 15 into evidence).

16 **BY MR. MARANGOLA:**

17 Q. Mr. Figueroa, the mark you placed is on the photograph in  
18 the center of the -- looks like three houses in this  
19 photograph; is that right?

09:17:53AM 20 A. Yes.

21 Q. Do you know the number of that house?

22 A. No.

23 Q. All right. At this time I'd like to show you what is in  
24 evidence as Government's Exhibit 302. Do you see the house  
09:18:09AM 25 shown in Government's Exhibit 302?

1 A. Yes.

2 Q. Did you view this photograph yesterday?

3 A. Yes.

4 Q. Can you tell the jury is the house shown in Government's  
09:18:23AM 5 302 the same or different house than you had just marked in  
6 Government's 85?

7 **MR. VACCA:** I'd object to this, Your Honor.

8 Yesterday he was asked the same question and he indicated he  
9 did not recognize the house.

09:18:34AM 10 **MR. MARANGOLA:** He was not asked the same question.

11 **THE COURT:** Overruled. You can answer the question.

12 **BY MR. MARANGOLA:**

13 Q. You can answer the question, Mr. Figueroa.

14 A. Yes, I recognize it now.

09:18:44AM 15 Q. Is the house in Government's 302, the photo on your screen  
16 here, the same or different house than you just placed a mark  
17 on in the previous photo Government's 85?

18 A. It's the same house.

19 Q. Now, when you first looked at this house yesterday in  
09:19:01AM 20 Government's 302, you did not recognize it; is that correct?

21 A. Yes.

22 Q. All right. If we could go back to Government's 85? And  
23 can you again touch on the screen the photo the house on  
24 Conkey that you recognized in Government 85? All right.

09:19:22AM 25 You've touched the house in the center again.

1                   How do you recognize that the house in this  
2 photograph Government's 85 is the same one as in Government's  
3 Exhibit 302?

4       A.     Because I used to go to the house, I used to go from the  
09:19:38AM 5 left side of the house and go right back in. I was seeing the  
6 house -- I didn't recognize it because the side that's  
7 sticking out, it wasn't shown in the pictures.

8       Q.     All right. When you say the side that's sticking out, what  
9 area of the house in Government's 85 are you referring to when  
09:19:56AM 10 you say the side that's sticking out?

11      A.     I referring to here.

12      Q.     You just placed another mark there?

13      A.     Yes.

14      Q.     That's on the left side of the house?

09:20:07AM 15      A.     Yes.

16      Q.     Above the doorway?

17      A.     Yes.

18      Q.     All right. When you say you came to the house from the  
19 left side, can you describe where in relation to this picture  
09:20:15AM 20 you would approach the house from on the occasions that you  
21 went there?

22      A.     This side.

23      Q.     All right. You placed a mark on the sidewalk on the left  
24 side of the house; is that right?

09:20:28AM 25      A.     Yes.

1 Q. All right. If we could go back to Government's 302? Now,  
2 the area that you previously marked in those previous  
3 photographs, that's not shown as clearly in Government's 302;  
4 is that right?

09:20:47AM 5 A. Yes.

6 Q. All right. Do you see the numbers on the house here  
7 Government's 302?

8 A. Yes.

9 Q. What's the number?

09:20:53AM 10 A. Number 12.

11 Q. Okay. Now, the photograph Government's 85, I showed that  
12 to you after court yesterday; is that correct?

13 A. Yes.

14 Q. You had seen that on a previous occasion; is that right?

09:21:10AM 15 A. Yes.

16 Q. All right. Then I showed you this 302 again; is that  
17 right?

18 A. Yes.

19 Q. Did I tell you whether or not these were the same houses?

09:21:18AM 20 A. No.

21 Q. How did you recognize it again, the one in 302, was the  
22 same as the one in 85?

23 A. Because I used to go to the side of the house and the  
24 thing that's sticking out that side of the house.

09:21:32AM 25 Q. That's not shown clearly in Government's 302, correct?



1 A. Yes.

2 Q. You indicated in addition to LaForce and Conkey there were  
3 drug spots on Burbank; is that right?

4 A. Yes.

09:21:45AM 5 Q. Was there one house on Burbank or were there multiple  
6 houses on Burbank if you recall?

7 A. Multiple houses on Burbank.

8 Q. Did they -- were they always -- did the houses change or  
9 were they always the same houses that drugs were being sold  
09:22:01AM 10 out of there for your brother?

11 A. No, they changed for periods of time.

12 Q. I'm going to show you what is in evidence as Government's  
13 78. If you can clear your marks? Do you recognize any of the  
14 houses shown in Government's Exhibit 78?

09:22:24AM 15 A. Yes.

16 Q. What house do you recognize in Government's 78? And  
17 you've touched the screen over the house in the middle; is  
18 that right?

19 A. Yes.

09:22:32AM 20 Q. What do you recognize that house to be?

21 A. Drug house.

22 Q. On where?

23 A. On Burbank.

24 Q. How do you recognize that as a drug house on Burbank?

09:22:42AM 25 A. We used to deliver packages there and my brother used to

1 sell.

2 Q. You used to deliver packages there?

3 A. Yes.

4 Q. Who were some of the individuals that you used to sell  
09:22:51AM 5 there?

6 A. Rafi, green eyes.

7 Q. Do you see the brown burn marks on the top of that house  
8 in the middle?

9 A. Yes.

09:23:02AM 10 Q. Are you aware of how they got there?

11 A. Yes.

12 Q. How did they get there?

13 A. That was -- one time the police bring that in the house,  
14 Rafi was in there and Pistolita used to be the runner back

09:23:12AM 15 then and he told them they put a bug in the house and he try  
16 to burn the house down.

17 Q. You said Pistolita at one point was the runner for that  
18 house?

19 A. Yes.

09:23:20AM 20 Q. And where is this house here, the one you touched on the  
21 center of the screen with the burn mark, do you know where  
22 that is in relation to your brother Javi's house?

23 A. Yes, it's on the same side where my brother live, on the  
24 same side.

09:23:33AM 25 Q. On the same side of the street?

1 A. Yes, same side of the street my brother live.

2 Q. You know the number of that house?

3 A. No.

4 Q. At the time of your arrest in January 2018, do you know

09:23:47AM 5 where the -- one of the drug spots was on Burbank where drugs

6 were being sold for your brother? Do you remember any of

7 the -- which house in January of 2018?

8 A. Yes.

9 Q. How do you know which house?

09:24:04AM 10 A. Because I drop Obed in front of the house.

11 Q. All right. Do you know the number of the house?

12 A. No.

13 Q. I want to show what is in evidence as Government's 502.

14 Do you recognize what's shown in Government's 502?

09:24:27AM 15 A. Yes.

16 Q. What do you recognize in Government's 502?

17 A. The stairs.

18 Q. You recognize the stairs in that house?

19 A. Yes.

09:24:38AM 20 Q. Do you recognize the house itself?

21 A. Yes.

22 Q. What do you recognize that house to be?

23 A. We sell drugs from the house.

24 Q. And when were drugs being sold out of that house as part

09:24:50AM 25 of your and your brother's operation?

1 A. Before I got arrested.

2 Q. Sorry?

3 A. In January.

4 Q. In January?

09:25:01AM 5 A. 2018, before I got arrested.

6 Q. In January 2018 before your arrest?

7 A. Yes.

8 Q. And at the time who was the runner for that location?

9 A. Jimbo.

09:25:14AM 10 Q. Jimbo?

11 A. Yes.

12 Q. And who is Jimbo?

13 A. Jimbo is my brother's neighbor. He live right next to my  
14 brother.

09:25:24AM 15 Q. When -- first of all, do you see the house number 15 in  
16 this photograph 502?

17 A. Yes.

18 Q. Can you tell us where this house is in relation to your  
19 brother Javi's house?

09:25:36AM 20 A. It's not on the same side of the street. It's opposite  
21 side of the street.

22 Q. Opposite side of the street?

23 A. Yes.

24 Q. All right. Now, you said Jimbo was the runner?

09:25:47AM 25 A. Yes.

1 Q. Where is Jimbo's house in relation to Javi's?

2 A. He live right next door to my brother.

3 Q. On the same side of the street?

4 A. Yeah, same side of the street.

09:25:58AM 5 Q. Toward North Clinton or away from North Clinton?

6 A. Away from North Clinton, up.

7 Q. All right. And you said Jimbo was the runner?

8 A. Yes.

9 Q. What was Jimbo doing for your brother in January of 2018?

09:26:11AM 10 A. He made sure that rock is the way it's supposed to, that  
11 everybody was in line, that people sell for the houses, and he  
12 got -- he used to carry a gun, make sure everybody was in  
13 line.

14 Q. You said he used to carry a gun too?

09:26:30AM 15 A. He used to have -- hold a gun for my brother.

16 Q. And that's before your arrest?

17 A. Yes.

18 Q. Who worked at this house here that Jimbo was the runner  
19 for 15 Burbank?

09:26:44AM 20 A. It was Obed and Bumpi.

21 Q. Bumpi?

22 A. Yes.

23 Q. Did people call him another name?

24 A. Bombilla.

09:26:54AM 25 Q. Now, I asked you how you knew that this was one of the

1 places in January of 2018 that drugs were being sold out of  
2 for your brother on Burbank. Can you tell the jury how you  
3 knew that?

4 A. Yes, because I gave Obed a ride there and I used to take  
09:27:18AM 5 packages there for Lei to the runner.

6 Q. When you say take packages, what are you describing?  
7 Taking packages of what?

8 A. Of cocaine to Jimbo.

9 Q. Taking packages of cocaine to Jimbo here at 15 Burbank?

09:27:35AM 10 A. Not 15 Burbank to him, but I know it's a job for Obed in  
11 front of the --

12 Q. You dropped Obed in front of this house 15 Burbank?

13 A. Yes.

14 Q. All right. Now, you talked about guns being at some of the  
09:27:54AM 15 locations where you used to bag up drugs for your brother. Do  
16 you recall that?

17 A. Yes.

18 Q. And I showed you a group of guns yesterday. Do you recall  
19 that picture?

09:28:04AM 20 A. Yes.

21 Q. I'm going to show you some additional pictures right now  
22 and ask you to tell us if you recognize any of the firearms in  
23 the pictures and if you do, where you recognize them from,  
24 okay?

09:28:20AM 25 If we could start with Government's 810. Do you

1 recognize that firearm?

2 A. Yes.

3 Q. What do you recognize that firearm from?

4 A. From 699 East Main.

09:28:32AM 5 Q. You saw that firearm at 699 East Main?

6 A. Yes.

7 Q. Did you see it anywhere else?

8 A. No.

9 Q. Where do you recall seeing it at 699 East Main?

09:28:42AM 10 A. I see it in the closet.

11 Q. If you can go to -- if we could go to 811? And then --

12 sorry, 812. Do you recognize the firearm in Government's 812?

13 A. Yes.

14 Q. I'm sorry, I didn't hear your answer.

09:29:15AM 15 A. Yes.

16 Q. What do you recognize that firearm from?

17 A. From the closet 699.

18 Q. Did you see that firearm anywhere else?

19 A. No.

09:29:27AM 20 Q. All right. If we could go to 815? Do you recognize that  
21 firearm?

22 A. No.

23 Q. You don't?

24 A. No.

09:29:51AM 25 Q. All right. 817. You recognize that firearm?

1 A. No.

2 Q. 819. Do you recognize that firearm?

3 A. Yes.

4 Q. Where do you recognize that firearm from?

09:30:09AM 5 A. 699 East Main.

6 Q. All right. And had you seen that firearm anywhere else?

7 A. No.

8 Q. Where at 699 East Main had you seen it?

9 A. I seen it in the closet in one of the apartments.

09:30:26AM 10 Q. Okay. And the guns that you recognize, the ones we just  
11 showed you, where was the last time you had seen any of those  
12 guns?

13 A. Last time I seen them was 699.

14 Q. 699 East Main?

09:30:37AM 15 A. Yes.

16 Q. All right. Yesterday you talked briefly regarding the  
17 break-in of the Culver Road building and you said that Javi  
18 first told you to find Obed that day and then to go look for  
19 Axel; is that right?

09:31:05AM 20 A. Yes.

21 Q. At some point during that day did Javi tell you to go get  
22 anyone else?

23 A. Yes.

24 Q. Who did he tell you to go get?

09:31:17AM 25 A. He told me to go get Axel's sister.



1 Q. Axel's sister?

2 A. Yes.

3 Q. Did you know who Axel's sister was?

4 A. Yes.

09:31:23AM 5 Q. What's her name, do you know?

6 A. Her name is Amy.

7 Q. Did you go get Axel's sister Amy?

8 A. Yes.

9 Q. Who else was there when you got his sister Amy?

09:31:40AM 10 A. I don't understand. With me or who was in the house?

11 Q. Either one. Did you get anyone besides Axel's sister Amy?

12 A. Yes.

13 Q. Who did you get?

14 A. Axel's girlfriend.

09:31:53AM 15 Q. What's her name?

16 A. Karina.

17 Q. Is she the person you identified yesterday?

18 A. Yes.

19 Q. As his baby mom?

09:31:59AM 20 A. Yes.

21 Q. So you got Amy and Karina?

22 A. Yes.

23 Q. Why did you get Amy and Karina?

24 A. Because my brother told me to go get them.

09:32:10AM 25 Q. What did you do with them?

1 A. I took them to my brother Javi.

2 Q. You took them to your brother Javi?

3 A. Yes.

4 Q. Where did you go?

09:32:18AM 5 A. I went to the side -- the side Fernwood and the left  
6 street in front of Fernwood.

7 Q. Is that a street near Fernwood?

8 A. Yeah, street right next to Fernwood.

9 Q. Do you remember the name of it?

09:32:32AM 10 A. No.

11 Q. Who was in that -- on that street near Fernwood when you  
12 brought Karina and Axel's sister Amy to your brother Javi?

13 A. It was my brother and Lei.

14 Q. And what happened there?

09:32:50AM 15 A. We parked in front of his truck and my brother got out, he  
16 told Karina to get in his truck and he got in the back seat of  
17 the car, and he was talking to Amy and he was telling Amy to  
18 tell us -- tell Axel to turn himself in.

19 Q. Turn himself in to who?

09:33:10AM 20 A. To him. To give him what he stole.

21 Q. To turn himself in to who?

22 A. To him, to my brother.

23 Q. To Javi?

24 A. Yes, to my brother Javi. And she was making phone calls,  
09:33:22AM 25 he wasn't answering the phone.

1 Q. Who was making phone calls?

2 A. My brother, he was making phone call; and she was calling  
3 Axel, Axel ain't answer the phone.

4 Q. When you say she was calling Axel, who is she?

09:33:36AM 5 A. Amy.

6 Q. All right. What vehicle had Javi been in?

7 A. Silver GMC truck.

8 Q. When you say Javi had Karina get in the vehicle, what  
9 vehicle did she get in?

09:33:53AM 10 A. GMC.

11 Q. What vehicle was Javi talking to Amy in?

12 A. It was Cabra's vehicle.

13 Q. Cabra's vehicle?

14 A. Yes.

09:34:05AM 15 Q. And what kind of vehicle did Cabra have, do you recall?

16 A. I don't know what type it was. It was black.

17 Q. All right. Was it a truck or a sedan?

18 A. It was a car.

19 Q. A car?

09:34:18AM 20 A. Yes.

21 Q. All right. At some point did you leave that area?

22 A. Yes.

23 Q. Did you ever end up finding Axel that day?

24 A. No.

09:34:29AM 25 Q. I believe you testified yesterday the next day you were at

1 work during the time of the shooting on Miller Street?

2 A. Yes.

3 Q. All right. Yesterday you discussed what your brother told  
4 you regarding the prices that he paid for kilos of cocaine as  
09:34:46AM 5 well as the prices that he charged when he sold certain  
6 quantities of cocaine. Do you recall that?

7 A. Yes.

8 Q. Did he tell you what the price he charged depended on?

9 A. No, not really.

09:35:06AM 10 Q. All right. Did he tell you why he charged some people one  
11 price and others another price?

12 A. He probably did, but I can't remember.

13 Q. You can't remember?

14 A. No.

09:35:15AM 15 Q. In selling cocaine yourself, did you ever decide the price  
16 that you were going to sell cocaine for?

17 A. No.

18 Q. Now, during the years let's say 2015 through your arrest  
19 in 2018 when you were working for your brother --

09:35:35AM 20 A. Yes.

21 Q. -- was the amount of cocaine that he sold more than 5  
22 kilograms of cocaine?

23 **MR. VACCA:** Objection, Your Honor.

24 **THE COURT:** Overruled. You can answer that if you  
09:35:46AM 25 know.

1 BY MR. MARANGOLA:

2 Q. In total during that time?

3 A. Yes.

4 Q. Was it over 1 kilogram of heroin?

09:35:53AM 5 MR. VACCA: Objection, Your Honor.

6 THE COURT: Overruled.

7 THE WITNESS: Yes.

8 BY MR. MARANGOLA:

9 Q. Was it over 280 grams of crack?

09:35:59AM 10 MR. VACCA: Objection, Your Honor.

11 THE WITNESS: Yes.

12 THE COURT: Overruled. The answer will stand.

13 BY MR. MARANGOLA:

14 Q. All right. You mentioned a couple of times talking on

09:36:12AM 15 phones and you referred to them as *maracas*. Do you recall

16 that?

17 A. Yes.

18 Q. Can you describe when you and other members of your

19 brother's drug operation spoke on the telephone on those

09:36:23AM 20 *maracas* regarding drug business, describe the way in which you

21 spoke to each other.

22 MR. VACCA: Objection, Your Honor.

23 THE COURT: Sustained to the form of the question.

24 BY MR. MARANGOLA:

09:36:33AM 25 Q. All right. When you spoke on the *maracas* regarding drug

1 business, can you describe the nature of the conversation you  
2 would have?

3 **MR. VACCA:** Objection, Your Honor, it's general,  
4 it's broad, not specific.

09:36:46AM 5 **THE COURT:** Okay, the witness can decide if he can  
6 answer the question or not. Overruled. You can answer the  
7 question if you can.

8 **THE WITNESS:** Yes, we refer to the coke as snow  
9 white, ping ping, old lady.

09:37:02AM 10 **BY MR. MARANGOLA:**

11 Q. What did you refer to as snow white or ping ping or old  
12 ladies?

13 A. Cocaine, the cocaine; the 62s old ladies; the 31s young  
14 girls.

09:37:16AM 15 Q. Did you say cocaine -- did you say the old ladies or young  
16 girls?

17 A. I will say we say the 31 young girl or 62 old lady.

18 Q. Why did you say those things instead of just saying 62  
19 grams of cocaine?

09:37:32AM 20 A. Because we don't want to get caught by the police, we  
21 don't want the -- the police listen and they know what we  
22 talking about.

23 Q. Did you have a book of codes written down somewhere that  
24 you knew?

09:37:48AM 25 A. No.

1 Q. Codes weren't written down anywhere?

2 A. No.

3 Q. How did you know what the different codes would mean?

4 A. That's the way we communicate with each other in the  
09:37:59AM 5 group. We got a lingo, so the way we communicate with each  
6 other, we already know what we're talking about.

7 **MR. VACCA:** Objection, Your Honor.

8 **THE COURT:** Overruled. The answer will stand.

9 **BY MR. MARANGOLA:**

09:38:07AM 10 Q. How often were you communicating with Javi or Obed or  
11 Leitscha or other members of the group regarding drug  
12 business?

13 **MR. VACCA:** Objection, Your Honor, vague, uncertain  
14 as to time and place.

09:38:21AM 15 **THE COURT:** Overruled. Go ahead.

16 **THE WITNESS:** Sometimes daily basis.

17 **BY MR. MARANGOLA:**

18 Q. All right. That's over a period of years; is that right?

19 A. Yes.

09:38:28AM 20 Q. Did you ever use -- you or other members of the group ever  
21 use the term Jordans?

22 **MR. VACCA:** Objection, Your Honor, again broad,  
23 vague as to time, place, which individuals.

24 **THE COURT:** Overruled. You can answer the question.  
09:38:48AM 25 Jordans?

1                   **THE WITNESS:** Yes.

2           **BY MR. MARANGOLA:**

3           Q.    And for -- so we're clear, I'm going to be asking you  
4           during the timeframe of 2015 until your arrest in January of  
09:38:59AM 5           2018, okay?

6           A.    Yes.

7           Q.    During that timeframe what -- what was the term Jordans  
8           used to refer to when you spoke to other members of the  
9           operation?

09:39:10AM 10          A.    Jordan 62s; shoes again a 62; it can be a whole kilo. It  
11          depend how you use it.

12          Q.    I'm sorry, a shoe?

13          A.    Yes.

14          Q.    Is was code for what?

09:39:24AM 15          A.    A kilo.

16          Q.    A kilo?

17          A.    Yes.

18          Q.    What about the term a complete one?

19          A.    Yes.

09:39:33AM 20          Q.    What did that mean?

21          A.    A whole one, a whole key.

22          Q.    A whole kilo?

23          A.    Yes.

24          Q.    Now, did you use terms related to heroin?

09:39:49AM 25          A.    Yes.



1 Q. What are some of the codes that you used to describe  
2 heroin?

3 A. M, turtle, *lento*, slow; *manteca*, grease.

4 Q. How do you spell *manteca* for Ms. Macri?

09:40:07AM 5 A. M-A-T-E-C-A.

6 Q. Okay. Now, if you were talking about particular weights,  
7 for example, of heroin, did you use any codes?

8 A. Yes.

9 Q. What were some of the codes that you might use for that?

09:40:26AM 10 A. If you talk about bundles, we used the letter B.

11 Q. What did -- how would you use it? Tell us how you would  
12 use the term B.

13 A. It would be if ask me did they want to buy three B, I mean  
14 three bundles.

09:40:44AM 15 Q. Three bundles is how many bags of heroin?

16 A. 30.

17 Q. Now, did the letter B ever refer to anything else when you  
18 spoke with Javi or Obed or other members of the drug operation  
19 regarding drug business?

09:41:05AM 20 A. Yes.

21 Q. What are some other meanings that the letter B had?

22 A. You got -- B refers talking to each other, if you got to  
23 go do a trip to Burbank or something happen at Burbank, we  
24 refer to Burbank as B. So we know we talking about B, that's

09:41:22AM 25 Burbank. Or we be talking about Buffalo, we use the letter B,

1 too.

2 Q. So B could either mean a bundle, or Burbank, or Buffalo?

3 A. Yes.

4 Q. All right. Did you ever use the letter G for any code?

09:41:40AM 5 A. Yes.

6 Q. What was the letter G used as code for by you or Javi or  
7 Obed or other members of the group during the time you worked  
8 as a member of it between 2015 and your arrest in 2018?

9 A. The letter G refers to grams. We talking the *maracas* and  
09:42:03AM 10 somebody want to buy something, they ask what you want to buy,  
11 you know, if he said B, it's a bundle; if he say G, it's a  
12 gram.

13 Q. So if somebody says a G, that means a gram?

14 A. Yes.

09:42:16AM 15 Q. All right. Was G a term that was used to describe weight  
16 of heroin usually or weight of cocaine?

17 A. G more towards heroin.

18 Q. All right. And I think you told us already some of the  
19 codes that were used to describe cocaine. What about the  
09:42:39AM 20 term -- and you already mentioned *maraca*. That was to  
21 describe what?

22 A. The flip phones.

23 Q. Were there ever any terms that you used to refer to  
24 firearms?

09:42:52AM 25 A. Yes.

1 Q. What were some of the terms that you and other members of  
2 the operation used to refer to firearms when you spoke on the  
3 *maracas*?

4 A. They call it short one.

09:43:05AM 5 Q. I'm sorry, what?

6 A. Short one.

7 Q. Short one?

8 A. Yes.

9 Q. And what's the Spanish word for short one?

09:43:12AM 10 A. *Corta*.

11 Q. *Corta*?

12 A. Yeah.

13 Q. How do you spell that?

14 A. C-O-R-T-A.

09:43:16AM 15 Q. All right. What's a short one or a *corta* refer to?

16 A. It's a handgun.

17 Q. Handgun?

18 A. Yes.

19 Q. Any other terms that you can recall being used by members  
09:43:28AM 20 of this operation to refer to firearms?

21 A. Yes, metal.

22 Q. I'm sorry. What was that?

23 A. Metal.

24 Q. And how do you spell metal?

09:43:38AM 25 A. M-E-T-A-L.

1 Q. M-E-T-A-L?

2 A. Yes.

3 Q. Any other terms?

4 A. Tools, *herramienta*.

09:43:49AM 5 Q. Twos -- you said something in Spanish after that. Can you  
6 spell the Spanish thing you said?

7 A. H-E-R-R-A-M-I-E-N-T-A.

8 Q. When you say twos, what would twos refer to?

9 A. Tool, guns.

09:44:16AM 10 Q. How would you -- what type of gun?

11 A. When you say tool, can be a short gun, it can be a rifle.

12 Just tools.

13 Q. Does the twos designate it?

14 A. You can use it as a single gun or you can refer to a

09:44:34AM 15 couple.

16 Q. All right. Any other terms that you can recall being used  
17 by members of the operation with respect to firearms?

18 A. Squirrel.

19 Q. Squirrel?

09:44:45AM 20 A. Yeah, squirrel.

21 Q. Anything else?

22 A. Burner.

23 Q. All right.

24 A. Yeah.

09:44:53AM 25 Q. Were there codes that you used to refer to certain

1 calibers of firearm?

2 A. Yes.

3 Q. What were some of the codes that you would refer to that  
4 you would use to refer to a caliber of a particular firearm?

09:45:08AM 5 A. We can refer to them as the number of the caliber. If  
6 it's a .40, it's a four zero. If it's a .22, *dos dos*.

7 Q. *Dos dos*?

8 A. Yeah, .22, *bandito*.

9 Q. All right. Can you explain the difference to the jury did  
09:45:41AM 10 you have -- first of all, did you have a personal phone  
11 between -- during the time that you worked as a member of  
12 Javi's operation between 2015 and 2018?

13 A. Yes.

14 Q. Would that -- that was in addition to the *maraca*?

09:45:53AM 15 A. Yes.

16 Q. Now, how long had you had your personal phone compared to  
17 how long you would keep a *maraca*?

18 A. My personal phone I keep it -- since it's in my name, I  
19 keep it for -- until it breaks or when I want to upgrade the  
09:46:10AM 20 phone.

21 Q. Okay. Compare that to the length of time that you would  
22 keep a *maraca*.

23 A. *Maraca* you just keep that for like a week or so or even  
24 less. You get rid of it.

09:46:27AM 25 Q. All right. How would you get the *maracas* that you used

1 during the time you worked as a member of Javi's operation?

2 How did you get the *maracas* you used?

3 A. That was given me -- that was given to me by Lei. Lei was  
4 in charge of buying the *maracas* and passing them out.

09:46:43AM 5 Q. When you would get *maracas* from Lei, describe what they  
6 had in them.

7 A. They had my brother's and her phone number. Mines had  
8 that. The only phone numbers I got was my brother's and Lei  
9 so they can communicate with me.

09:47:00AM 10 They pass it to the runners on the blocks and the  
11 one that -- one in the house, they got her phone number so  
12 they can call her so she know when to reup and to bring drugs  
13 over.

14 Q. Who was in charge of putting different phone contacts in  
09:47:15AM 15 those flip phones?

16 A. Leitscha and my brother.

17 Q. Leitscha and your brother?

18 A. Yes.

19 Q. You didn't have any involvement in deciding what contacts  
09:47:24AM 20 went in which phone or anything?

21 A. No.

22 Q. How did you know it was time to get a new *maraca*?

23 A. When Lei just tell you to give her you phone and she bring  
24 the new ones.

09:47:40AM 25 Q. What would you do with your old *maraca*?

1 A. Throw it away.

2 Q. So you said the purpose of the *maraca* was to conduct drug  
3 business on it, correct?

4 A. Yes.

09:47:55AM 5 Q. Now, did you always conduct the business on your *maraca*  
6 instead of your personal phone? The drug business?

7 A. No.

8 Q. So sometimes you also used your personal phone?

9 A. Yes.

09:48:09AM 10 Q. Why?

11 A. I was not -- I was not disciplined.

12 Q. You were not what?

13 A. I was not disciplined. I was using it.

14 Q. You were not disciplined?

09:48:18AM 15 A. Yeah, I was not.

16 Q. So sometimes you made drug calls from your personal phone?

17 A. Yes.

18 Q. Did you ever make -- did you ever call from your personal  
19 phone to somebody else's *maraca* or would you call personal

09:48:43AM 20 phone to a personal phone?

21 A. I call personal phone to personal phone.

22 Q. So, for example, did Javi have a personal phone?

23 A. Yes.

24 Q. Did Lei have a personal phone?

09:48:53AM 25 A. Yes.

1 Q. Did Obed have a personal phone?

2 A. Yes.

3 Q. Did those individuals also have *maracas*?

4 A. Yes.

09:49:00AM 5 Q. And so if you wanted to contact them on their personal  
6 phone, what phone would you dial or what phone would you use?

7 A. My personal phone if I want to talk to the person on the  
8 phone.

9 Q. If you were going to call their *maraca*, what phone would  
09:49:17AM 10 you use?

11 A. The *maraca*.

12 Q. Okay. So you never -- you wouldn't call from your personal  
13 to Javi's *maraca*?

14 A. No. Get in trouble, no.

09:49:26AM 15 Q. And you wouldn't call from say your *maraca* to Javi's  
16 personal?

17 A. No.

18 Q. Okay. I'd like to show you what's in evidence as  
19 Government's 11. Mr. Figueroa, do you see your personal phone  
09:50:16AM 20 number on this exhibit marked Government's 11?

21 A. Yes.

22 Q. And can you circle it? You just touched the screen  
23 instead of circled it there. And you circled the 743-0005; is  
24 that right?

09:50:37AM 25 A. Yes.



1 Q. And this chart reflects how many contacts between your  
2 personal number and 766-8057? You see the number underneath  
3 766-8057?

4 A. Yes.

09:51:05AM 5 Q. What is that number?

6 A. That's Obed.

7 Q. No, I'm asking in the column at the top row, the column  
8 that says 766-8057. Tell me when you see that column.

9 A. Yes.

09:51:21AM 10 Q. Do you see the number below that column next to your name?

11 A. Yes.

12 Q. And what's the number underneath 766-8057 next to your  
13 name?

14 A. 51.

09:51:40AM 15 Q. All right. And then that reflects the time period of 12/22  
16 to 1/27; is that correct?

17 A. Yes.

18 Q. And then how many contacts between your phone number, the  
19 743-0005 -- and if you keep going along that row to

09:51:59AM 20 662-8156 -- do you see the number under 662-8156?

21 A. Yes.

22 Q. What is the number?

23 A. Zero.

24 Q. Okay. All right. Mr. Figueroa, you mentioned that you  
09:52:17AM 25 eventually began to distribute drugs yourself as part of your

1 involvement in this operation; is that right?

2 A. Yes.

3 Q. What did you distribute? Which drugs did you distribute?

4 A. Cocaine.

09:52:36AM 5 Q. All right. And what weights or quantities of cocaine did  
6 you distribute as part of your involvement in this operation?

7 A. 62, 31, half a key, and key.

8 Q. And about when was it that you started distributing those  
9 quantities of cocaine?

09:53:03AM 10 A. I think, but I'm not sure, about '17 and up.

11 Q. About when?

12 A. Around '17.

13 Q. Around '17?

14 A. Yeah.

09:53:13AM 15 Q. What's '17?

16 A. 2017.

17 Q. Oh, 2017?

18 A. Yeah.

19 Q. Okay. So sometime beginning in 2017?

09:53:20AM 20 A. Yes.

21 Q. And up until the time of your arrest?

22 A. Yes.

23 Q. Where did some of these -- well, before I get to that, did  
24 you ever sell \$5 bags of cocaine on the street or in drug

09:53:35AM 25 houses as part of your involvement in this operation?

1 A. No.

2 Q. Where did the -- when you distributed drugs to other  
3 individuals, these quantities of cocaine, where did they take  
4 place?

09:53:51AM 5 A. Take place in Leitscha -- where Leitscha sister live at.

6 Q. Where Leitscha sister used to live at?

7 A. Yes.

8 Q. Do you remember where that was?

9 A. No.

09:54:02AM 10 Q. Was it a house or an apartment?

11 A. Apartment building, yeah.

12 Q. And what transactions occurred at that location?

13 A. I used to see Orlando Yelder and I used to sell him drugs  
14 there.

09:54:18AM 15 Q. Okay. If we can go to Government's Exhibit 74? If you can  
16 clear your marks, Mr. Figueroa, on the screen there? I'm  
17 sorry, 24. Do you recognize what's shown in Government's 24?

18 A. Yes.

19 Q. What do you recognize in Government's 24?

09:54:52AM 20 A. A building.

21 Q. And you touched the screen on the apartment building in  
22 the upper left corner of that photograph; is that right?

23 A. Yes.

24 Q. What do you recognize that apartment building to be?

09:55:02AM 25 A. That's where I used to see Yelder, and Leitscha sister

1 live there in that building.

2 Q. Did you see Yelder in an apartment in there?

3 A. No. In the parking lot.

4 Q. In the parking lot?

09:55:13AM 5 A. Yes.

6 Q. You said Leitscha's sister lived there?

7 A. Yes.

8 Q. Now, are those the Baden Street apartments, do you  
9 recall?

09:55:23AM 10 A. I don't remember the name.

11 Q. Okay. Now, did you ever -- let me ask you this: Why didn't  
12 you sit in the drug houses or on the street and sell the \$5  
13 bags of heroin or cocaine?

14 A. Because my brother wanted me to sell the weight. He don't  
09:55:45AM 15 want me in no blocks.

16 Q. Did you have a separate stash of drugs that you were  
17 responsible for selling?

18 A. I don't understand the question.

19 Q. You don't understand? So explain to the jury how it  
09:56:03AM 20 worked, for example, in the drug transactions between you and  
21 Yelder, like if Orlando Yelder wanted some cocaine, how  
22 would --

23 **MR. VACCA:** Objection, Your Honor.

24 **THE COURT:** What's the objection? The objection is  
09:56:18AM 25 what?

1                   **MR. VACCA:** Your Honor, I object to it. They're  
2 going to do comparisons regarding Mr. Figueroa and Mr. Yelder.

3                   **THE COURT:** I'll sustain the objection. Rephrase  
4 the question.

09:56:32AM 5                   **MR. MARANGOLA:** Sure.

6 **BY MR. MARANGOLA:**

7 Q. Mr. Figueroa, were there occasions where during the time  
8 you dealt with Orlando Yelder he would contact you regarding  
9 drugs?

09:56:43AM 10 A. Yes.

11 Q. -- can you explain to the jury what would happen on those  
12 occasions?

13 A. He contact me, I got to tell my brother what he wants, and  
14 my brother give me the okay to get it out of the bucket of  
09:56:57AM 15 Home Depot with the 62s in there or the half a key; or I got  
16 to wait for Lei and he got to give me the okay, then I go to  
17 the apartment building and see Yelder in the parking lot.

18 Q. Would you drive yourself to the apartment building to see  
19 Yelder, the one shown in Government's 24?

09:57:18AM 20 A. I probably did, but I used to go with Lei.

21 Q. When you say go with Lei, did you drive Lei?

22 A. No. Lei used to drive me there.

23 Q. Okay. And after you met Yelder at one -- during one of  
24 these transactions -- when you met Yelder during one of these  
09:57:36AM 25 transactions, would you give him quantities of cocaine?

1 A. Yes.

2 Q. And what would he give you?

3 A. Money.

4 Q. And what would you do with the money after you got it from  
09:57:45AM 5 Yelder?

6 A. I gave it to my brother or I gave it to Lei.

7 Q. Did you get paid yourself for these transactions?

8 A. No.

9 Q. You didn't get paid for serving Yelder drugs?

09:57:57AM 10 A. No.

11 Q. How long after you would get money from Yelder would you  
12 give it to Javi or Lei?

13 A. As soon as I come back.

14 Q. What did you say?

09:58:14AM 15 A. As soon as I finished, do the transaction, and I see my  
16 brother; or I go to Barrington and I give it to Lei.

17 Q. As soon as you get back you give it to your brother or  
18 Lei?

19 A. Yes.

09:58:24AM 20 Q. So not like the next day or something?

21 A. No. I just give it.

22 Q. Would you count the money that you would receive from  
23 Yelder?

24 A. I try to do it most of the time.

09:58:35AM 25 Q. You tried to do it most of the time?

1 A. Yes.

2 Q. Were there occasions that you didn't count the money that  
3 you were given by Yelder?

4 A. Yes.

09:58:42AM 5 Q. Did that get you into trouble with Javi or Lei?

6 A. Yes.

7 Q. Tell us about that.

8 A. It was -- I got money from Yelder and I count it, I give  
9 it to Lei. Somehow the money was missing. I had to put it

09:59:05AM 10 out of my pocket.

11 Q. Who told you that there was money missing?

12 A. Lei.

13 Q. Who told you that you had to put it out of your pocket?

14 A. Lei, because she came talking to my brother and he say I  
09:59:18AM 15 got to put it out of my pocket.

16 Q. You said Lei talking to your brother --

17 **MR. VACCA:** Objection, Your Honor.

18 **THE COURT:** Overruled.

19 **BY MR. MARANGOLA:**

09:59:24AM 20 Q. Can you explain what you mean by that?

21 A. That Lei was counting the money and she tell him how much  
22 was missing, and my brother telling me I got to put it in  
23 the -- put the money back, replace the money.

24 Q. When you say put it back and replace the money, what are  
09:59:41AM 25 you talking about?

1 A. Put it out of my pocket.

2 Q. Had you taken any money out on the occasion that it was  
3 short from Yelder?

4 A. Not that I can remember.

09:59:55AM 5 Q. Had you taken some of the money Yelder gave you and kept  
6 it yourself?

7 A. No, no.

8 Q. So when you were told by your brother that you had to pay  
9 the difference, what did you think?

10:00:10AM 10 A. I was mad and I thought Lei was doing something crazy.

11 Q. Do you recall did that happen on more than one occasion?

12 A. Yes.

13 Q. Do you remember how much money it was?

14 **MR. VACCA:** Objection, Your Honor, clarity.

10:00:28AM 15 **THE COURT:** Overruled. Go ahead, you can answer it.

16 **THE WITNESS:** Between the periods of time it was --  
17 it went up to 2,000.

18 **BY MR. MARANGOLA:**

19 Q. It was -- it accumulated up to 2,000?

10:00:38AM 20 A. Yes.

21 Q. All right. Now, at the time where were you working?

22 A. I was working at LiDestri.

23 Q. You were still making minimum wage?

24 A. Yes.

10:00:48AM 25 Q. So that was a lot of money to you I assume?



1 A. Yes.

2 Q. Now, did you keep track of the quantities of cocaine that  
3 you served Yelder or the money that he provided you?

4 A. No.

10:01:07AM 5 Q. Did anyone keep track of the amount of drugs being  
6 distributed and the amount of money coming in?

7 A. Yes.

8 Q. Who kept track of that?

9 A. Leitscha.

10:01:18AM 10 Q. How did she keep track of that?

11 A. She keep track of it, she got a note pad and she write  
12 down everything: How much money is coming in, how many  
13 packages, and we working the table, she write it down how many  
14 packages was done, and that's what she keep track, how much  
10:01:38AM 15 money was coming in from the blocks.

16 Q. All right. Did you see her write that type of information  
17 down in a notebook?

18 A. Yes.

19 Q. So you're familiar with her handwriting?

10:01:50AM 20 A. Yes.

21 Q. How many times had you seen her make that -- make such  
22 writings in a notebook regarding drug transactions?

23 A. A lot of times.

24 Q. Tell us some of the information that you saw her put down  
10:02:07AM 25 in the notebooks or in the notebook that you saw her write in.

1 A. She write down -- we finished working, we was at the  
2 table, I was working with her, and she write down how many  
3 packages with the number, how many packages, she put a number  
4 on the top saying that's the extra bags.

10:02:26AM 5 Q. All right. So she kept track of packages like the groups  
6 of 50 bags of cocaine or 100 bags of heroin; is that right?

7 A. Yes.

8 Q. What else did she write down in the notebook?

9 A. She write down the amount they suppose to get and the  
10:02:42AM 10 people serve the kilos, the 62s, the crack, she write down  
11 everything that's going on with my brother group.

12 Q. Did that include amounts and the transactions that you  
13 were involved in with Yelder, for example?

14 A. Yes.

10:03:02AM 15 Q. And who were some of the other individuals that she  
16 kept -- that she wrote down information about in her  
17 notebook?

18 A. Anybody else in the group, everybody in the group that  
19 doing transaction she write them down.

10:03:25AM 20 Q. All right.

21 **MR. MARANGOLA:** Judge, may I use the visualizer here  
22 to show the witness something?

23 **THE COURT:** Sure.

24 **MR. MARANGOLA:** Thank you.

10:03:32AM 25 **BY MR. MARANGOLA:**

1 Q. Mr. Figueroa, I'm going to put on the visualizer here  
2 Government's Exhibit 693. Can you see that?

3 A. Yes.

4 Q. All right. I'm going to flip to the page that has on the  
10:04:18AM 5 top, it says top line is 01/19/18. Can you see that on your  
6 screen?

7 A. Yes.

8 Q. All right. First of all, do you recognize the handwriting  
9 on this page?

10:04:36AM 10 **MR. VACCA:** Objection, Your Honor, no foundation.

11 **THE COURT:** Overruled. Go ahead. You can answer  
12 that if you know.

13 **THE WITNESS:** Yes.

14 **BY MR. MARANGOLA:**

10:04:44AM 15 Q. Whose handwriting do you recognize on this page?

16 **MR. VACCA:** Again, Your Honor, objection.

17 **THE COURT:** Overruled. Go ahead.

18 **THE WITNESS:** That's Lei.

19 **BY MR. MARANGOLA:**

10:04:52AM 20 Q. That's whose handwriting?

21 A. Leitscha.

22 Q. Leitscha's, all right. Do you see the information written  
23 on this page here in Government's 693?

24 A. Yes.

10:05:02AM 25 Q. Is this the type of information that you observed Leitscha

1 write down on numerous occasions during the time that you  
2 worked for your brother between 2015 and 2018?

3 **MR. VACCA:** Objection, Your Honor.

4 **THE COURT:** Overruled.

10:05:18AM 5 **BY MR. MARANGOLA:**

6 Q. You can answer.

7 A. Yes.

8 Q. All right. Do you recognize any notations regarding  
9 transactions that you yourself engaged in on this page here?

10:05:31AM 10 A. Yes.

11 Q. Can you touch the screen and show us the transaction that  
12 you recognize and how you recognize it as one of yours?

13 **MR. VACCA:** Objection, Your Honor.

14 **THE COURT:** Overruled. Go ahead.

10:05:43AM 15 **BY MR. MARANGOLA:**

16 Q. All right. You've touched the screen to the right of a  
17 particular line. Can you read that line and tell us how you  
18 recognize it as one of your transactions?

19 A. That was me, that was the nickname that she gave Yelder,  
10:06:00AM 20 *prieto*.

21 Q. *Prieto*?

22 A. Yes.

23 Q. Is *prieto* a Spanish word?

24 A. Yes.

10:06:05AM 25 Q. What does it mean?

1 A. For African-American, dark person.

2 Q. An African-American?

3 A. Dark person, black person, yeah.

4 Q. Black person?

10:06:16AM 5 A. Yes.

6 Q. That line starts out with January 20th, 2018; is that  
7 right?

8 A. Yes.

9 Q. And then it says one half equals?

10:06:27AM 10 A. 16.

11 Q. All right. It says one-half equals, then Rob *prieto*?

12 A. Yes.

13 Q. Can you explain what the rest of the line is?

14 A. That mean weight, I served him eight 62, and he gave 4,000  
10:06:45AM 15 and he was owing 12,000.

16 Q. I'm sorry. Go ahead.

17 A. I served Yelder eight 62.

18 Q. How do you know it's eight 62s?

19 A. It's 16,000.

10:07:02AM 20 Q. \$16,000 is the price of eight 62s?

21 A. Yes, the deuce -- I was selling the deuce for 2,000.

22 Q. Eight deuces or eight 62s is how much of a kilo?

23 A. Half a key.

24 Q. It's what?

10:07:19AM 25 A. Half a kilo.

1 Q. Half a kilo?

2 A. Yes.

3 Q. All right. Now, you see the words *pago* on several of  
4 those lines underneath yours?

10:07:35AM 5 A. Yes.

6 Q. P-A-G-O, that's a Spanish word. What does that mean?

7 A. Paid, paid in full.

8 Q. Paid in full?

9 A. Yes.

10:07:42AM 10 Q. Do you see on the lines here next to 1/21 and a star it  
11 says T-R-A-B equals 22?

12 A. Yes.

13 Q. What's T-R-A-B?

14 A. That's short for *trabajo*.

10:08:00AM 15 Q. For what?

16 A. *Trabajo*.

17 Q. Can you spell that for Ms. Macri too?

18 A. T-R-A-B-A-J-O.

19 Q. What is that word?

10:08:17AM 20 A. For work.

21 Q. It means work?

22 A. Yeah.

23 Q. When you refer to work in this operation, what was that a  
24 reference to?

10:08:25AM 25 A. When we was bagging up.

1 Q. All right. Now, you see the number below that line, it  
2 says trab again and then says 42, then there's a little 43  
3 next to it. Did you ever see her make a notation like that?

4 A. Yes.

10:08:42AM 5 Q. Can you explain what that indicates?

6 A. That mean that they did 42 packages, but 43 little baggies  
7 on the side.

8 Q. So 42 packages -- again, and that meant how much? 42  
9 packages of what?

10:08:59AM 10 A. Of cocaine.

11 Q. And so that's 42 packages of how many bags of cocaine in  
12 each?

13 A. 50 bags in each package.

14 Q. Then the 43, the little number next to that is an  
10:09:12AM 15 indication of what?

16 A. The loose bags there was.

17 Q. All right.

18 A. The loose bag means it ain't make it all the way to 50.

19 Q. Okay. Do you see underneath that line there are two words  
10:09:28AM 20 D-I-E-T-E, G-A-L-L and then D-I-E-N-T-E, G-A-L-L. Do you know  
21 what those are indications for?

22 A. Yes, that's the nickname for the guy that sell the crack.

23 Q. What's the nickname for the guy that sold the crack?

24 A. Tooth, thin.

10:09:51AM 25 Q. Thin?

1 A. Yeah.

2 Q. What's the Spanish word for that that this is short for?

3 A. *Diente*.

4 Q. How do you spell *diente*?

10:10:00AM 5 A. D-I-E-N-T.

6 Q. Then there's -- it says G-A-L-L next to that. What's that  
7 an indication of?

8 A. That's a short word for *galleta*.

9 Q. How do you spell *galleta* or *galleta*?

10:10:18AM 10 A. G-A-L-L-E-T-A.

11 Q. And what is *galleta*?

12 A. Cookie.

13 Q. What does -- so what is that an indication of, G-A-L-L,  
14 the abbreviation for the Spanish word for cookie? Is that

10:10:39AM 15 referring to anything in particular?

16 A. Yes, to crack.

17 Q. All right. So how much crack is that an indication of?

18 A. 62 grams.

19 Q. Now, I just flipped the page before this and do you see on  
10:11:04AM 20 the line above the ruler here January 5th, it says Rob *prieto*?

21 A. Yes.

22 Q. And that's an indication of an amount you'd given to who?

23 A. To Yelder.

24 Q. And then again it says equals 16,000 minus 4,000?

10:11:25AM 25 A. Yes.



1 Q. And that's an indication of what?

2 A. That he gave me 4,000; he owe me 12.

3 Q. So where it says equals 12 means he owed you \$12,000?

4 A. Yes.

10:11:39AM 5 Q. All right. And then next to that 12 it says minus 12 and  
6 then do you see above it there's a date?

7 A. Yes.

8 Q. 1/11?

9 A. Yes.

10:11:50AM 10 Q. Then there's something in parentheses. Can you tell us  
11 what is in parentheses?

12 A. *J tiene.*

13 Q. It's a cap J; is that right?

14 A. Yeah, capital J.

10:12:03AM 15 Q. Spell the word next to capital J there.

16 A. T-I-E-N-E.

17 Q. What does that mean?

18 A. That my brother Javi had, he had.

19 Q. Had?

10:12:16AM 20 A. Had, yes.

21 Q. T-I-E-N-E means what?

22 A. J had, my brother had.

23 Q. That's what that J is?

24 A. Yeah.

10:12:26AM 25 Q. Okay. So above the 4,000 there's a date, it says January

1 5th; is that right?

2 A. Yes.

3 Q. And then next to the 12,000 it says January 11th and  
4 there's the indication for Javi had?

10:12:41AM 5 A. Yes.

6 Q. And then it said equals, there's a zero with a slash?

7 A. Yes.

8 Q. And *pago* meaning what?

9 A. That he got the money, he's paid.

10:12:49AM 10 Q. That there's no balance left?

11 A. No balance left, it's paid for.

12 Q. What's the indication -- why is there the indication  
13 *J tiene*? That Javi has?

14 A. Because she keep track the money chain. My brother -- if

10:13:06AM 15 I gave my brother the money and she ain't got it yet so she  
16 can count it, so she write it down -- she write everybody's  
17 name down they got some money. So at the end of everything my  
18 brother want to see the most money came in, ain't no money  
19 missing.

10:13:20AM 20 Q. What would happen if there's not a reflection that Javi  
21 already got the money?

22 A. My brother would got mad.

23 Q. Because what would -- it would be what?

24 A. It would be short.

10:13:36AM 25 Q. All right. Now, on the bottom you see there's a star up

1 here and then there's a separate line and another star and  
2 then at the bottom under that there's another star as well?

3 A. Yes.

4 Q. All right. Do you see then there's numbers along the  
10:13:57AM 5 right side here? Can you add up those numbers and tell us  
6 what they equal?

7 A. 16.

8 Q. And how many 62s would be in a 16? And how many 62s would  
9 be in a 16? I'm sorry, would be in a kilo?

10:14:14AM 10 A. 16 62s.

11 Q. All right. Now, you see there's next to January 20th  
12 right above the ruler here it says trab N-O-S-O-T-R-O-S?

13 A. Yes.

14 Q. And then it's 26, and then there's a small 34 above it?

10:14:33AM 15 A. Yes.

16 Q. What is that an indication of?

17 A. That was the packages they packed up and the little bags  
18 that was left over.

19 Q. And then -- now below it it says trab again, and then it  
10:14:47AM 20 says N-E-N-E equals 18 plus. What is that an indication of?

21 A. That's referring to Obed.

22 Q. What part refers to Obed?

23 A. Nene.

24 Q. That's a nickname for Obed?

10:15:06AM 25 A. Yes.

1 Q. That's the N-E-N-E?

2 A. Yes.

3 Q. If we could go to Government's Exhibit 26, please? Now, I  
4 believe I asked you this yesterday, but I just want to make  
10:15:40AM 5 sure, you indicated you were familiar with the voices of the  
6 individuals shown on Government's Exhibit 26; is that right?

7 A. Yes.

8 Q. Are there any individuals who are shown on Government's  
9 Exhibit 26 whose voice who you have not seen speak in person?

10:16:01AM 10 A. No.

11 Q. All right. If we can show you Government's Exhibit 35?  
12 You identified that person as Orlando Yelder; is that right?

13 A. Yeah.

14 Q. And did you see Orlando Yelder speak in person?

10:16:21AM 15 A. Yes.

16 Q. And are you familiar with his voice as well?

17 A. Yes.

18 Q. And, finally -- I assume was that also on more than one  
19 occasion?

10:16:33AM 20 A. Yes.

21 Q. All right. And then, finally, Government's Exhibit 56.  
22 And who is this individual?

23 A. That's Noel Figueroa.

24 Q. And did you see Noel Figueroa speak in person?

10:16:47AM 25 A. Yes.

1 Q. And was that on more than one occasion as well?

2 A. Yes.

3 Q. And are you familiar with his voice?

4 A. Yes.

10:17:00AM 5 Q. All right. Mr. Figueroa, you have a binder in front of  
6 you.

7 A. Yes.

8 Q. Is there also a disk? You have to answer.

9 A. Yes.

10:17:19AM 10 Q. Okay. Were you asked to listen to wiretap calls in this  
11 case in preparation for trial?

12 A. Yes.

13 Q. And were the calls that you were asked to listen to on the  
14 DVD marked Government's Exhibit 1A?

10:17:33AM 15 A. Yes.

16 Q. How do you know that the calls that you were asked to  
17 listen to are on the DVD marked Government's Exhibit 1A?

18 A. Because my signature's on it.

19 Q. And did you put your initials or signature on the disk  
10:17:49AM 20 marked Government's Exhibit 1A?

21 A. Yes.

22 Q. All right. You see them there?

23 A. Yes.

24 Q. You see the binder marked Government's Exhibit 1 in front  
10:17:57AM 25 of you? Not on the screen. The binder there in front of you.

1 Yup, close it. Because I want you to see the exhibit sticker  
2 on the front. Do you see that?

3 A. Yes.

4 Q. That binder is marked Exhibit 1; is that right?

10:18:16AM 5 A. Yes.

6 Q. And were you asked to review transcripts of the calls that  
7 you listened to on the disk marked Government's 1A?

8 A. Yes.

9 Q. And are transcripts of the calls from Government's 1A  
10 contained in the exhibit binder marked Government's 1?

11 A. Yes.

12 Q. And did you recognize the speakers in the calls that you  
13 listened to that are contained in the transcripts in  
14 Government's Exhibit 1?

10:18:44AM 15 A. Yes.

16 Q. Did you place your initials on some of the transcripts in  
17 Exhibit 1?

18 A. Yes.

19 Q. And by placing your initials on transcripts in there, were  
10:18:57AM 20 you indicating that you recognized the speakers' voices?

21 A. Yes.

22 Q. As well as that the parts of the speakers were accurately  
23 attributed in the transcript?

24 A. Yes.

10:19:07AM 25 Q. Now, some of those calls were in English and some were in

1 Spanish; is that right?

2 A. Yes.

3 Q. Okay. So, Mr. Figueroa, you indicated a few minutes ago  
4 that at some point you had a problem with the money count from  
10:19:32AM 5 cocaine transactions with Yelder; is that right?

6 A. Yes.

7 Q. What did you do to address that?

8 A. When Yelder was talking -- I told Yelder deal straight up  
9 with my brother.

10:19:47AM 10 Q. How did you -- how was Yelder supposed to deal straight up  
11 with your brother?

12 A. I gave Yelder my brother's phone number.

13 Q. You gave Yelder your brother's phone number to do what?

14 A. To deal with my brother.

10:20:01AM 15 Q. To call Javi directly?

16 A. Yes.

17 Q. About drugs?

18 A. Yes, about drugs.

19 Q. All right. At this time I'd ask you to flip open that  
10:20:12AM 20 binder.

21 **THE COURT:** Let's take a break now. It's a good  
22 time for a break. Ladies and gentlemen, at this time we'll  
23 take a recess. In the meantime, do not discuss the matter or  
24 allow anybody to discuss the matter with you. The jury may  
10:20:23AM 25 step down. We'll stand in recess.

1 (WHEREUPON, there was a pause in the proceeding).

2 (WHEREUPON, the defendant is present).

3 THE COURT: Bring the jury out, please.

4 (WHEREUPON, the jury is present).

11:08:27AM 5 THE COURT: You may continue.

6 MR. MARANGOLA: Thank you, Your Honor.

7 BY MR. MARANGOLA:

8 Q. Mr. Figueroa, before I ask you to open the binder there I  
9 just want to follow-up on some of the codes that you had  
11:08:38AM 10 mentioned earlier. I may have misheard you during your  
11 earlier testimony. You were talking about different words  
12 that were used for guns, and I thought you were saying twos,  
13 as in the number two, with an S.

14 Were you saying twos or were you saying tools,  
11:08:59AM 15 T-O-O-L-S?

16 A. Tools.

17 Q. Can you spell the word that you're saying so we know what  
18 you're referring to?

19 A. T-O-O-L-S, tools.

11:09:10AM 20 Q. Okay. I apologize, I did not hear the L.

21 Now, when you spoke to your brother Javi or Obed or  
22 other members of this organization, were there words that you  
23 also would use to describe police officers or law enforcement?

24 A. Yes.

11:09:34AM 25 Q. What were some of the codes that you used to refer to law



1 enforcement?

2 A. *Feo*.

3 Q. Sorry, what was that?

4 A. *Feo*.

11:09:45AM 5 Q. Can you spell that word?

6 A. F-E-O-S, *feos*.

7 Q. That's a Spanish word?

8 A. Yes.

9 Q. Any other words?

11:10:02AM 10 A. *Los azules*.

11 Q. Can you spell that word for us?

12 A. Blue ones.

13 Q. Before you said blue ones you said a Spanish word, right?

14 A. A-Z-U-L-E-S.

11:10:20AM 15 Q. Were there other words that you also used to refer to  
16 police or law enforcement?

17 A. Yes. Monkeys, cousins.

18 Q. All right. Did you ever hear the phrase -- use the  
19 phrase or hear members of the operation use the phrase get  
11:10:44AM 20 bit?

21 A. Yes.

22 Q. Can you explain what that phrase meant?

23 A. That giving you a warning not to get caught.

24 Q. Not to get caught by what?

11:10:53AM 25 A. By the police.

1 Q. Finally, did you or other members of the operation ever  
2 use the term tickets in connection with the drug trafficking?

3 A. Yes.

4 Q. And what was tickets a code for?

11:11:10AM 5 A. Tickets is the name for money.

6 Q. All right. I'd like you to open up your binder,  
7 Government's Exhibit 1. Do you see that on the ledge?

8 A. Yes.

9 Q. All right. If you can flip to the first tab 1-1? Do you  
11:11:36AM 10 see the transcript behind that tab?

11 A. Yes.

12 Q. Are your initials on that transcript?

13 A. Yes.

14 Q. And did you listen to the call corresponding to this  
11:11:45AM 15 transcript?

16 A. Yes.

17 Q. All right. And this is a call between who?

18 A. Between me and Yelder.

19 Q. All right.

11:11:55AM 20 **MR. MARANGOLA:** At this time I would -- actually, I  
21 think this has already been received, Judge, 1-1.

22 **THE COURT:** Yes, it has been received.

23 **MR. MARANGOLA:** I'd ask permission to play this with  
24 Mr. Figueroa.

11:12:03AM 25 **THE COURT:** Yes, you may proceed.

1 **BY MR. MARANGOLA:**

2 Q. We're going to start this at 1:22. Mr. Figueroa, the --  
3 in the beginning of this call -- first of all, do you  
4 remember -- you said you were speaking to who in this call?

11:13:53AM 5 A. Yelder.

6 Q. All right. When Yelder asked you in the beginning of this  
7 call you talk to Big Bro, you guys all right, who did you  
8 understand Yelder to be referring to based on your dealings  
9 with him?

11:14:06AM 10 A. He's talking about my brother Javi.

11 Q. And then when you told him you got his phone number, just  
12 call him, you heard, what were you telling Yelder?

13 A. To call my brother to deal with him.

14 Q. You said you got his phone number. Who were you referring  
11:14:26AM 15 to?

16 A. He got my brother Javi number.

17 Q. All right. And you gave your brother Javi -- I'm sorry,  
18 did you give Javi Yelder's number or Yelder Javi's number?

19 A. I gave Yelder Javi's number.

11:14:41AM 20 Q. All right. That was to call him regarding the drug  
21 business?

22 A. Yes.

23 Q. If we can -- first of all, do you see the target number on  
24 the top of the transcript 743-0005? The target number at the  
11:15:05AM 25 top of the transcript?

1 A. Yes.

2 Q. And whose number was that?

3 A. That's my personal number.

4 Q. Incoming call number is what?

11:15:17AM 5 A. That's Yelder's number.

6 Q. I'd like to publish from Government's 673A, which is the  
7 extraction from 743-0005, and go to page 8, if we could. I'm  
8 sorry, 9. And if we can enlarge contact 119 through 121?

9 Mr. Figueroa, you see the contact name Orlando in  
10 here?

11 A. Yes.

12 Q. And this is a contact you had for Orlando Yelder in your  
13 personal phone; is that right?

14 A. Yes.

11:16:27AM 15 Q. All right. Now, the number that you gave Yelder to  
16 contact Javi about the drug business, would that be Javi's  
17 personal number or would that be a *maraca* number that you gave  
18 Yelder?

19 A. It would be a *maraca* number.

11:16:40AM 20 Q. All right. Do you remember what that number is off the top  
21 of your head?

22 A. No.

23 Q. At this time I'd like to go to Government's Exhibit 781A,  
24 which is the extraction for 732-8902, and we'll go to contact

11:17:15AM 25 1065. Do you see that contact 1065 on your screen there?

1 A. Yes.

2 Q. On the left you see 1065?

3 A. Yes.

4 Q. And then the contact is Big Bro?

11:17:45AM 5 A. Yes.

6 Q. And then if you go to the middle, you see in the middle  
7 section under phone -- next to phone-mobile it lists a number  
8 585-662-8156; is that right?

9 A. Yes.

11:18:06AM 10 Q. All right. Going back to the transcript, when you said  
11 just deal with him, just deal with him, straight with him,  
12 what were you telling Yelder?

13 A. That I wasn't gonna be the middle man. I wasn't gonna be  
14 the middle to serve him. He can deal with my brother straight  
11:18:31AM 15 up.

16 Q. That you weren't going to be the middle man to serve  
17 Yelder what?

18 A. Some cocaine.

19 Q. And that Yelder should do what instead of contacting you?

11:18:39AM 20 A. To contact my brother Javi.

21 Q. And there's a couple of references in this call to my  
22 sister. You said whatever it is, my sister gonna see you.  
23 And then on the second page you said -- it reflects that you  
24 said he do what he do and my sister gonna see you.

11:19:01AM 25 Can you explain to the jury what you meant when you

1 said that?

2 A. That he gonna get the drugs ready for him and Lei was  
3 gonna serve him.

4 Q. Who is -- who is gonna get the drugs ready for him?

11:19:12AM 5 A. My brother Javi was gonna get the drug ready for him and  
6 Leitscha, he knows Leitscha, I introduced Leitscha to him like  
7 my sister. My sister gonna see you, that's Leitscha.

8 Q. So you introduced Leitscha to Yelder as your sister?

9 A. Yes.

11:19:31AM 10 Q. Is Lei your sister?

11 A. No.

12 Q. Okay. And then you said that Yelder once in a while, you  
13 know what I'm saying, let me know how you doing, you heard?

14 A. Yes.

11:19:42AM 15 Q. What were you telling him there?

16 A. Like on his personal level how he's doing, if he's all  
17 right.

18 Q. All right. So did you expect to continue to be the middle  
19 man between your brother Javi and Yelder after this? Did you  
11:19:55AM 20 expect to be?

21 A. Not really.

22 Q. All right. Did you, in fact, end up being -- continue to  
23 be the middle man?

24 A. Yes.

11:20:04AM 25 Q. Okay. If we can -- if you could flip to the next tab,

1 which is 1-2?

2 **MR. MARANGOLA:** And, Your Honor, before we play this  
3 call, may the jurors be permitted to get their binders out and  
4 flip to the tab before it's --

11:20:35AM 5 **THE COURT:** I don't have this one as received.

6 **MR. MARANGOLA:** No, I've not offered this one yet.

7 **THE COURT:** Okay.

8 **BY MR. MARANGOLA:**

9 Q. Mr. Figueroa, are your initials on this transcript?

11:20:44AM 10 A. Yes.

11 Q. And who are the participants in this call?

12 A. Me, my brother Javi, and Leitscha.

13 Q. All right.

14 **MR. MARANGOLA:** At this time I'd offer the call  
11:20:56AM 15 corresponding to tab 1-2-480.

16 **MR. VACCA:** I would object, Your Honor, on grounds  
17 of relevancy.

18 **THE COURT:** Overruled. 1-2 will be received. Yes,  
19 members of the jury, you can reach for your binders.

11:21:14AM 20 (**WHEREUPON**, Government's Exhibit 1-2 was received  
21 into evidence).

22 **BY MR. MARANGOLA:**

23 Q. Mr. Figueroa, this call was December 30th, 2017; is that  
24 right?

11:21:35AM 25 A. Yes.

1 Q. And it's from the same -- the target number is the same,  
2 your personal number 743-0005; is that right?

3 A. Yes.

4 Q. And this reflects an incoming call from 766-8057. Do you  
11:21:54AM 5 see that?

6 A. Yes.

7 Q. All right. Now, before we play the call, if we can go to  
8 494A, which is the extraction for 766-8057 -- it was seized  
9 from the defendant, and go to page 15 -- I'm sorry, 16, and  
11:22:48AM 10 contact number 228. What is this contact name?

11 A. My brother Roberto.

12 Q. What's it say? It's a Spanish contact, correct?

13 A. Yes.

14 Q. What does it say in Spanish?

11:23:15AM 15 A. My brother Roberto.

16 Q. That's the English translation what it says, correct?

17 A. Yes.

18 Q. Can you tell us what it says in Spanish?

19 A. *Mi hermano* Roberto.

11:23:26AM 20 Q. All right. The translation of that is my brother Roberto?

21 A. Yes.

22 Q. The number associated with the contact for my brother  
23 Roberto is your number 743-0005; is that right?

24 A. Yes.

11:23:40AM 25 Q. Okay. If we could now play the call corresponding to tab



1 1-2-480? Mr. Figueroa, it indicates on the transcript that  
2 you said to your brother Javi I was going to call you on the  
3 *maraca*, but you have the keys, right?

4 Were you calling -- is this call from -- is this  
11:25:07AM 5 call to your brother Javi's *maraca* or his personal phone?

6 A. His personal phone.

7 Q. This is your personal phone to his personal phone?

8 A. Yes.

9 Q. And when you said I was going to call you on the *maraca*,  
11:25:19AM 10 but you have the keys, right, can you explain to the jury what  
11 you were saying?

12 A. That I was gonna call him on the drug phone because I'm  
13 talking about the key to be --

14 Q. The key to where?

11:25:32AM 15 A. To -- I'm not -- I'm not sure what apartment -- what  
16 apartment or --

17 Q. You're not sure which -- the keys to what apartment you're  
18 talking about?

19 A. Yes.

11:25:50AM 20 Q. All right. And then Javi responded, no, I don't have the  
21 keys -- well, come over, come over here, we'll talk here; is  
22 that right?

23 A. Yes.

24 Q. Okay. And if we can go back to 781A, which is the  
11:26:14AM 25 extraction for Orlando Yelder, which is 732-8902?

1 Mr. Figueroa, do you see on your screen here the contact for  
2 Big Bro clean from the 732-8902 number of Orlando Yelder?

3 Do you see that contact?

4 A. Yes.

11:27:17AM 5 Q. And the phone number for that contact is 766-8057; is that  
6 right?

7 A. Yes.

8 Q. And that's the same number that's on the transcript that  
9 we just listened to that was calling you; is that correct?

11:27:34AM 10 A. Yes.

11 Q. And that you indicated was Javi's personal phone?

12 A. Yes.

13 Q. Okay. If we can go to the next tab 1-3, Mr. Figueroa, take  
14 a look at the transcript behind that tab and tell us are your  
11:27:56AM 15 initials on that?

16 A. Yes.

17 Q. And did you listen to the call corresponding to this  
18 transcript?

19 A. Yes.

11:28:04AM 20 Q. And who are the speakers in this call?

21 A. Me and Leitscha.

22 MR. MARANGOLA: At this time I'd offer call  
23 corresponding to tab 1-3-636.

24 MR. VACCA: I would object to that, Your Honor.

11:28:26AM 25 THE COURT: Overruled. 1-3 will be received.

1 (WHEREUPON, Government's Exhibit 1-3-636 was  
2 received into evidence).

3 BY MR. MARANGOLA:

4 Q. And before we play this call, Mr. Figueroa, the target  
11:28:40AM 5 number is your personal phone number; is that correct? The  
6 743-0005?

7 A. Yes.

8 Q. If we could go to Exhibit 672C, which is the extraction  
9 for 685-4661 seized from the Nissan Altima, go to page --  
11:29:18AM 10 contact No. 90. I believe it's on page 8. I'm sorry, 98.

11 Mr. Figueroa, do you see your personal number  
12 associated with the contact in this phone?

13 A. Yes.

14 Q. And your personal number 743-0005 is listed under the  
11:29:54AM 15 contact for what in this phone? What's the name of the  
16 contact?

17 A. Princesa.

18 Q. And who called you Princesa?

19 A. Leitscha.

11:30:06AM 20 Q. All right. So this phone number then has your personal  
21 phone number in it?

22 A. Yes.

23 Q. Did anyone else other than Leitscha call you Princesa?

24 A. Her.

11:30:16AM 25 Q. So is this then Leitscha's personal cell phone as well

1 that has your personal cell phone contact in it?

2 A. Yes.

3 Q. All right. And then you -- let's go to Exhibit 673A,  
4 which is your cell phone extraction for your personal cell

11:30:39AM 5 phone, and look at contact 90. Who is the person in contact  
6 90 in your personal phone?

7 A. Leitscha.

8 Q. All right. And that's her personal number you put in your  
9 personal phone?

11:31:08AM 10 A. Yes.

11 Q. And that's under the contact L-E-L-E; is that right?

12 A. Yes.

13 Q. And, finally, the extraction again for 494A, which is the  
14 extraction for 766-8057 seized from the defendant, if we could

11:31:38AM 15 go to contact 182? And do you see the same number for

16 Leitscha in the extraction for this phone?

17 A. Yes.

18 Q. And what's the name of the contact?

19 A. Lei.

11:32:06AM 20 Q. So Javi had Lei's personal number in his personal phone as  
21 well?

22 A. Yes.

23 Q. Okay. Then if we could play the call? All right,

24 Mr. Figueroa, in the first page of this call -- first of all,

11:35:33AM 25 this again is you and Leitscha; is that right?

1 A. Yes.

2 Q. Leitscha says I call the person and all and I also checked  
3 there at the B and all is good. And then later says I already  
4 checked over there with the neighbor and he said that  
11:35:51AM 5 everything was all right and everything was up-to-date, and I  
6 told him to keep everything calm.

7 Can you tell us who you understood Leitscha to be  
8 referring to when she made those statements to you in the call  
9 based on your participation in this operation?

11:36:08AM 10 **MR. VACCA:** I would object to that, Your Honor.

11 **THE COURT:** Overruled. Go ahead, you can answer.

12 **THE WITNESS:** When she was talking about the  
13 neighbor she talking about Jimbo. He was the runner then.

14 And when she say B, she referring to the street  
11:36:20AM 15 Burbank to make sure that everything was running smooth.

16 **BY MR. MARANGOLA:**

17 Q. When you say everything is running smooth, what's running  
18 on Burbank that needs to be checked to see if it's running  
19 smooth?

11:36:32AM 20 **MR. VACCA:** Objection, Your Honor.

21 **THE COURT:** Overruled. Go ahead.

22 **THE WITNESS:** Like no problems, no problem with the  
23 people sitting at the house, everything's quiet, no police,  
24 everything is right.

11:36:42AM 25 **BY MR. MARANGOLA:**

1 Q. All right. When she said is brother awake -- I'm sorry,  
2 you said -- you asked is brother awake, is brother awake, and  
3 she said no, brother should be sleeping, who are you referring  
4 to?

11:36:54AM 5 A. To my brother Javi.

6 Q. When Lei said I check on everything there, over there,  
7 over the waters, Tio called and you understand that they are  
8 gonna send the other one today, what did you understand her to  
9 mean?

11:37:13AM 10 A. She's referring to Freddie, that she called Puerto Rico  
11 and she made sure that they was gonna send a package.

12 **MR. VACCA:** Objection, Your Honor, there's no  
13 foundation to make that interpretation or come to that  
14 conclusion.

11:37:27AM 15 **THE COURT:** Overruled. The answer will stand.

16 **BY MR. MARANGOLA:**

17 Q. When she said they're gonna send the other one today, what  
18 did you understand that to be a reference to based on your  
19 participation in this operation?

11:37:41AM 20 **MR. VACCA:** Again, objection, Your Honor.

21 **THE COURT:** Overruled. You can answer the question.

22 **THE WITNESS:** Another box of candy contain the 2  
23 kilograms of cocaine.

24 **BY MR. MARANGOLA:**

11:37:51AM 25 Q. I'm sorry, that was too fast for me to understand. Slow

1 it down if you could?

2 A. The box of candy that contain the cocaine, the 2 kilos of  
3 cocaine in the package they was gonna send.

4 Q. All right. When Leitscha said on the second page I can  
11:38:08AM 5 come down there with the little girl, what did you understand  
6 that to be a reference to?

7 A. That she was gonna pick up the package. She used to be a  
8 baby-sitter, she got little girls.

9 Q. Okay. What's the little girl -- when she said I'm just  
11:38:26AM 10 waiting for them to call me so that when they call me I can  
11 come down there with the little girl, what did you understand  
12 she was referring to when she said with the little girl?

13 **MR. VACCA:** Objection, Your Honor, he already  
14 answered she had a little girl.

11:38:40AM 15 **THE COURT:** Overruled. You can answer that.

16 **THE WITNESS:** She was a baby-sitter -- she was  
17 baby-sitting two little girls, and she's just letting me know  
18 when she receive the phone call she was gonna go over to the  
19 place and pick up the package.

11:38:58AM 20 **BY MR. MARANGOLA:**

21 Q. All right. At the end of the phone call she -- there was  
22 a reference to a baby. Whose baby was that?

23 A. My daughter.

24 Q. All right. How old was she at the time?

11:39:13AM 25 A. When was this? '17?

1 Q. The date is on the first page. January 2nd, 2018.

2 A. She like around a few months, a few months old.

3 Q. A few months old?

4 A. Yes.

11:39:30AM 5 Q. All right. If we can go to the next call, which is tab  
6 1-4, and this is a call on the same day January 2nd; is that  
7 right?

8 A. Yes.

9 Q. And are your initials on this transcript?

11:39:47AM 10 A. Yes.

11 Q. And did you listen to the call that corresponds to this  
12 transcript?

13 A. Yes.

14 Q. And who are the speakers in this call?

11:39:56AM 15 A. This is me, Nio and Leitscha.

16 Q. And who is Nio again?

17 A. Nioslen, my baby mom.

18 Q. Okay. This again is a call from your personal number that  
19 you received an incoming call from Leitscha's personal number?

11:40:14AM 20 A. Yes.

21 **MR. MARANGOLA:** Okay. If we could publish -- I'd  
22 like to offer the call corresponding to tab 1-4.

23 **MR. VACCA:** I would object, Your Honor, no  
24 foundation.

11:40:29AM 25 **THE COURT:** Overruled. 1-4 will be received.



1 (WHEREUPON, Government's Exhibit 1-4 was received  
2 into evidence).

3 BY MR. MARANGOLA:

4 Q. We're going to stop the call right there. Mr. Figueroa,  
11:42:49AM 5 can you tell us generally what this call is in regard to  
6 between you and Leitscha?

7 A. Yes.

8 Q. Go ahead.

9 A. She telling me one package arrive already and she wait for  
11:43:08AM 10 the other one because when the other package is gonna arrive  
11 in the area, the mailman come late.

12 So one is going to be delayed, and as soon as she  
13 go pick up the other one she gonna let me know so I can go.

14 Q. So that you can go where?

11:43:27AM 15 A. So I can go to the house.

16 Q. To what house?

17 A. 292 Barrington.

18 Q. When she -- when you said my brother hasn't called me yet,  
19 and she said well, he just called me, who are you referring  
11:43:46AM 20 to?

21 A. To my brother Javi.

22 Q. All right. When she said to you the second one is going to  
23 be delayed, what did you understand her to mean?

24 A. The second box is gonna be a little late, later on.

11:44:03AM 25 Q. Then when you said right, because I don't want this

1 asshole to go crazy, she replied, yeah, I know, I know, I  
2 know, well, he called me asking what's up, and I told him give  
3 me a break, you understand, they'll be slow.

4           What did you mean when you said I don't want this  
11:44:25AM 5 asshole to go crazy?

6 A. Because I want to be with her and him when it come. I  
7 don't want to be -- because when he come and open up packages,  
8 sometime if I'm around he won't ask where I was at in case I  
9 sell drugs to somebody else.

11:44:42AM 10 Q. So when you said you didn't want this asshole to go crazy,  
11 you were referring to who?

12 A. To my brother Javi.

13 Q. When you say go crazy, what did you mean?

14 A. Make him get pissed off.

11:44:54AM 15 Q. At you?

16 A. Yes.

17 Q. And you didn't want that to happen?

18 A. No.

19 Q. All right. Now, if we could -- before we move to the next  
11:45:08AM 20 call, go to Government's -- I believe it's 795. Mr. Figueroa,  
21 the call we just listened to is a call on January 2nd, 2018,  
22 right?

23 A. Yes.

24 Q. In the first page of that call Ms. Poncedeleon said  
11:45:38AM 25 there's already one missing, one more; is that right?

1 A. Yes.

2 Q. And I'd like you to look in the center of the chart marked  
3 Government's 795 which reflects on January 2nd, 2018, packages  
4 from Puerto Rico delivered to 4 Ritz Street and 282 Rosedale  
11:46:04AM 5 Street. You see that?

6 A. Yes.

7 Q. All right. And in the bottom of the first page Leitscha  
8 said I don't get out until 4, what did you understand her to  
9 be referring to?

11:46:20AM 10 A. To her job.

11 Q. All right. Now, if we could play from the pole camera  
12 compilation, I believe it's Exhibit 22, on this day January  
13 2nd at 1654 at Barrington, which is 4:54 p.m..

14 Mr. Figueroa, do you recognize the vehicle backing  
11:46:55AM 15 into the driveway?

16 A. Yes.

17 Q. Whose vehicle do you recognize that to be?

18 A. Leitscha.

19 Q. And that's the driveway of what?

11:47:07AM 20 A. 292 Barrington.

21 Q. All right. And we're gonna pause it here and then fast  
22 forward to 3 minutes and 11 seconds into the clip.

23 Mr. Figueroa, tell us what you just observed in that portion  
24 of the clip there.

11:47:33AM 25 A. Lei getting out of the car.

1 Q. Where is she going?

2 A. Inside house on Barrington.

3 Q. Now, did you see your car in the driveway when she pulled  
4 in?

11:48:11AM 5 A. No.

6 Q. All right. And what is she doing now?

7 A. She going back to her car.

8 Q. All right. Why don't we pause this clip here and we'll go  
9 to the next clip for the pole camera at -- on the same day at  
10 5:11 p.m. on January 2nd.

11:49:02AM

11 What did you observe in the beginning of this clip,  
12 Mr. Figueroa?

13 A. The garage door open.

14 Q. This is still at 292 Barrington, correct?

11:49:17AM

15 A. Yes.

16 Q. Leitscha's vehicle is parked in front of it?

17 A. Yes.

18 Q. Tell us what you see here.

19 A. I see Lei grab a box out of the trunk.

11:50:01AM

20 Q. Where did she bring it?

21 A. Inside Barrington.

22 Q. Now, you weren't home at the time this occurred, correct?

23 A. Yes.

24 Q. What do you see her doing now?

11:50:13AM

25 A. Going right back to the trunk.

1 Q. What did you see her do there?

2 A. She grab another box.

3 Q. And brought it inside 292?

4 A. Yes.

11:50:41AM 5 Q. All right. Now, if we can -- we'll stop this clip here  
6 and if we can go to the next clip at 6:22 p.m. that same day  
7 January 2nd, 2018 at Barrington.

8 Tell us what you observe here.

9 A. I arrive.

11:51:20AM 10 Q. You arrived in the silver vehicle?

11 A. Yes.

12 Q. Pulled into the driveway? What are you doing there?

13 A. I got my daughter out of the car.

14 Q. And who else is walking up the driveway after you?

11:52:10AM 15 A. Nio.

16 Q. All right. And you, your daughter and Nio go where?

17 A. Inside Barrington.

18 Q. Okay. And this is about an hour or so, a little more than  
19 an hour after we saw Leitscha bring those two boxes in?

11:52:27AM 20 A. Yes.

21 Q. All right. And then if we could go to the next clip at  
22 6:29 p.m. on January 2nd. If we can pause it before we start  
23 the clip? Now, this clip is about seven minutes after you  
24 just arrived and enter 292 Barrington; is that right?

11:52:49AM 25 A. Yes.

1 Q. Can you tell the jury what -- based on your participation  
2 in this operation, what would happen after kilos of cocaine or  
3 boxes from Puerto Rico were brought to 292 Barrington?

4 **MR. VACCA:** Objection, Your Honor.

11:53:06AM 5 **THE COURT:** What's that?

6 **MR. VACCA:** Objection.

7 **THE COURT:** Well, I'll sustain the objection to the  
8 general nature of the question. Go ahead.

9 **BY MR. MARANGOLA:**

11:53:19AM 10 Q. Mr. Figueroa, after a shipment of cocaine would arrive  
11 from Puerto Rico it would be brought to 292 Barrington Street,  
12 correct?

13 A. Yes.

14 Q. And --

11:53:30AM 15 **MR. VACCA:** Again I would object, Your Honor, it's  
16 general terms, it's a general question. We don't know when,  
17 we don't know what it involved, amount, whatever. It's too  
18 broad.

19 **THE COURT:** Overruled. You can answer that.

11:53:46AM 20 **BY MR. MARANGOLA:**

21 Q. Did you say yes?

22 A. Yes.

23 Q. And before the shipments of -- from Puerto Rico were  
24 opened, who had to be present?

11:53:56AM 25 A. My brother Javi.

1 Q. All right. And if we can play the clip starting at 6:29  
2 p.m. on January 2nd at 292 Barrington? Can you tell us what  
3 just happened there?

4 A. My brother arrive in the GMC.

11:54:21AM 5 Q. Where did he park?

6 A. Barrington.

7 Q. Is he -- if we can pause it here? Does he park in the  
8 driveway?

9 A. Yes.

11:54:33AM 10 Q. He's in the driveway at 292 Barrington Street there behind  
11 your car?

12 A. The driveway is a little -- it's a little wider. He  
13 parked right next to my car.

14 Q. He's parked next to your car?

11:54:47AM 15 A. Yes.

16 Q. All right. And do you see the person paused in the clip  
17 here at 24 seconds into the clip?

18 A. Yes.

19 Q. And who is that?

11:54:55AM 20 A. That's my brother Javi.

21 Q. All right. If we can keep playing? Where did your  
22 brother Javi go after he exited the GMC?

23 A. In Barrington.

24 Q. That's where you and Leitscha were; is that correct?

11:55:17AM 25 A. Yes.

1 Q. After she brought the two boxes from her trunk into the  
2 house?

3 A. Yes.

4 Q. All right. We can move on to the next tab. Mr. Figueroa,  
11:55:33AM 5 if you'd flip the tab to 1-5? Are your initials on this  
6 transcript?

7 A. Yes.

8 Q. Did you listen to the call that corresponds to this  
9 transcript?

11:55:54AM 10 A. Yes.

11 Q. Who are the participants in this call?

12 A. Me and Leitscha.

13 Q. All right. And this call is on January 2nd, 2018, the same  
14 day we've been just watching the pole camera footage from; is  
11:56:10AM 15 that right?

16 A. Yes.

17 **MR. MARANGOLA:** At this time, Your Honor, I'd offer  
18 the call corresponding to tab 1-5.

19 **MR. VACCA:** I'd object on grounds of relevancy and  
11:56:22AM 20 foundation.

21 **THE COURT:** Overruled. 1-5 will be received.

22 (**WHEREUPON**, Government's Exhibit 1-5 was received  
23 into evidence).

24 **BY MR. MARANGOLA:**

11:56:30AM 25 Q. Now, Mr. Figueroa, again this call is -- this is an



1 incoming call from Leitscha's personal phone to your personal  
2 phone; is that right?

3 A. Yes.

4 Q. And it's at what time on January 2nd?

11:56:46AM 5 A. 10:11.

6 Q. 10:11 p.m.?

7 A. Yes.

8 Q. All right. That's a few hours after we just saw the  
9 defendant pull into 292 Barrington, correct?

11:56:58AM 10 A. Yes.

11 Q. All right. If we could play the call? We just paused it  
12 there. You saw Leitscha addressed you as Princess; is that  
13 right?

14 A. Yes.

11:57:35AM 15 Q. Now, she says Princess, the old man called saying that the  
16 black guy's calling you?

17 A. Yes.

18 Q. And you said I left the fucking *maraca* in the -- then you  
19 didn't finish, correct?

11:57:52AM 20 A. Yes.

21 Q. Can you explain what you understood Leitscha to mean when  
22 she said the old man called saying that the black guy is  
23 calling you?

24 A. Leitscha said my brother -- my brother Javi call her

11:58:07AM 25 telling her that where I was at because Yelder is calling.

1 Q. I'm sorry, I didn't catch that. Leitscha said that your  
2 brother Javi --

3 A. Leitscha say my brother Javi call her saying that Yelder  
4 is calling.

11:58:23AM 5 Q. That Yelder is calling who?

6 A. Calling me.

7 Q. On what?

8 A. On the *maraca*.

9 Q. And why are you telling her I left the fucking *maraca* in  
11:58:37AM 10 the something? Why were you telling her that?

11 A. Because that's how we talk drug business, on the *maraca*.

12 Q. You didn't have the *maraca* with you?

13 A. No.

14 Q. Do you remember where you had left it?

11:58:49AM 15 A. No.

16 Q. Okay. So let's continue the -- actually, I'm sorry, before  
17 we continue that --

18 **MR. MARANGOLA:** -- Judge, if I could publish from  
19 Government's Exhibit 14, the certified toll records, that I  
11:59:08AM 20 believe have already been offered and received into evidence?

21 **THE COURT:** Yes, they've been received.

22 **MR. MARANGOLA:** Thank you.

23 **BY MR. MARANGOLA:**

24 Q. Now, Mr. Figueroa, the time of that call that you have in  
11:59:46AM 25 front of you is what time?

1 A. 10:11 p.m..

2 Q. All right. And do you see on Government's Exhibit 14,  
3 which are certified records from 485-9741, you see calls on  
4 January 3rd, 2018, starting here at 2:40 a.m.? You see that?

12:00:26PM 5 You can't see that, can you? All right.

6 And this reflects a call that's five hours ahead  
7 based on UTC time, so that call is 9:40 reflecting a call --  
8 I'm sorry, this call right here at 3:04, which is on  
9 January -- 3:04 a.m. on January 3rd, which minus five hours  
10 for UTC time is 10:04 on January 2nd, 10:04 p.m..

12:00:55PM

11 **MR. VACCA:** I'd object to that, Your Honor, the  
12 editorial on that.

13 **THE COURT:** Overruled. That will stand.

14 **BY MR. MARANGOLA:**

12:01:09PM

15 Q. Mr. Figueroa, do you see the number for Orlando Yelder  
16 here 732-8902?

17 A. Yes.

18 Q. And do you see the number next to it, the 3585 number, as  
19 well 485-9741?

12:01:27PM

20 A. Yes.

21 Q. Do you remember your *maraca* number at the time in early  
22 January of 2018?

23 A. No.

24 Q. Okay. But you know that 485-9741 is not your personal  
12:01:40PM 25 number; is that right?

1 A. Yes.

2 Q. Okay. And these records reflect a call at 3:04 -- or  
3 10:04 p.m., another call at 10:04 p.m., another call at  
4 10:04 p.m..

12:01:59PM 5 And then I'd like to publish tolls from 662-8156  
6 as part of Government's Exhibit 14. And specifically with  
7 regard to entry 96, which -- and, Mr. Figueroa, what's the  
8 time on that call again in your transcript?

9 A. 10:11 p.m.

12:02:30PM 10 Q. And that's when Leitscha's calling you telling you that  
11 the old man just called her, correct?

12 A. Yes.

13 Q. After Yelder called your *maraca*?

14 A. Yes.

12:02:42PM 15 Q. This entry 96 reflects adjusted for UTC time a call  
16 from -- on January 2nd at 10:10 p.m. from 662-8156 to  
17 662-8164. You see that?

18 A. Yes.

19 Q. And that's less than a minute before the call that we just  
12:03:14PM 20 played; is that right?

21 A. Yes.

22 Q. All right. If we could show -- before we continue with the  
23 call, Government's Exhibit 10, which is the cell phone  
24 chart -- Mr. Figueroa, do you see the number 662-8156 on the  
12:03:54PM 25 chart?

1                   Looking at the top left, do you see the number  
2 662-8156 on Government's Exhibit 10?

3 A.    Yes.

4 Q.    And who is the user associated with that number on this  
12:04:16PM 5 chart?

6 A.    My brother Javi.

7 Q.    And we just showed a call from that number to 662-8164.  
8 Do you see that number on this chart? 662-8164.

9 A.    I made a mistake.

12:04:52PM 10 Q.    All right. My question was do you see the -- look  
11 approximately three lines down from the number you just  
12 identified as Javi's. Do you see 662-8164?

13 A.    Yes.

14 Q.    And who is the user associated with that phone number?

12:05:09PM 15 A.    Leitscha.

16 Q.    All right. And then if we can go back to our call here at  
17 1-5? Okay. Mr. Figueroa, the old man was the term used to  
18 describe who? Is the name for who?

19 A.    My brother Javi.

12:06:11PM 20 Q.    In the portion of the transcript where Leitscha said he's  
21 going to be there in 10 to 15 minutes, he asked me are you  
22 with him, and I said no, no, I'm not with him, I'm in the  
23 house with the girl. He said where he at? And I told him  
24 that you went to Walmart to buy the harness for the dog.

12:06:33PM 25                   Can you explain to the jury what you understood

1 Leitscha to mean when she said that?

2 **MR. VACCA:** Objection, Your Honor.

3 **THE COURT:** Overruled. Go ahead.

4 **THE WITNESS:** She said Yelder's going to be there in  
12:06:45PM 5 10 to 15 minutes.

6 **BY MR. MARANGOLA:**

7 Q. When she said he asked me are you with him, who did you  
8 understand her to be referring to when she said he asked me  
9 are you with him?

12:06:59PM 10 **MR. VACCA:** Objection, Your Honor.

11 **THE COURT:** Overruled. You can answer.

12 **THE WITNESS:** My brother Javi.

13 **BY MR. MARANGOLA:**

14 Q. Your brother Javi asked Leitscha if who was -- if Leitscha  
12:07:14PM 15 was with who?

16 **MR. VACCA:** Objection, Your Honor.

17 **THE WITNESS:** Where I was at.

18 **THE COURT:** Overruled.

19 **BY MR. MARANGOLA:**

12:07:18PM 20 Q. Okay. Then in the -- you were at Walmart; is that right?

21 A. Yeah.

22 Q. Now, toward the end of the call you say I'll call him now,  
23 I'll call him right now, who are you saying you will call?

24 A. That I will call Yelder.

12:07:40PM 25 Q. All right. And the time of this call was again 10:11:49

1 p.m.; is that right?

2 A. Yes.

3 Q. Can we flip to the next tab 1-6? Mr. Figueroa, are your  
4 initials on this transcript?

12:08:02PM 5 A. Yes.

6 Q. And did you listen to the call corresponding to this  
7 transcript?

8 A. Yes.

9 Q. Who are the participants in this call?

12:08:13PM 10 A. Me and Orlando Yelder.

11 Q. And is this a call from your personal number, the 0005, to  
12 Yelder's 8902 number?

13 A. Yes.

14 **MR. MARANGOLA:** I believe this has been offered,  
12:08:29PM 15 Judge, but if it hasn't I'll offer 1-6.

16 **THE COURT:** 1-6 was previously received.

17 **MR. MARANGOLA:** Thank you.

18 **BY MR. MARANGOLA:**

19 Q. Mr. Figueroa, this call is how many minutes after the  
12:08:42PM 20 previous call where you said I'll call him?

21 A. Two minutes.

22 Q. Okay. If we can play this call, which is the call  
23 corresponding to tab 1-6. Mr. Figueroa, what are you telling  
24 Mr. Yelder in this call?

12:09:48PM 25 A. Give me some time, I'm gonna see him.

1 Q. Are you telling him you're gonna go from Walmart to your  
2 house before you see him?

3 A. Yes.

4 Q. Why are you telling him you're gonna go to Walmart before  
12:10:01PM 5 you -- I'm sorry, you're going to go to your house before you  
6 see him?

7 A. Because I got to go get the drugs to serve him.

8 Q. I'd like to play from Exhibit 22, the pole camera  
9 compilation, the same day we're talking about on January 2nd  
12:10:25PM 10 at 10:36 p.m.

11 And this is at Barrington as well, Mr. Figueroa?

12 A. Yes.

13 Q. What did you just see happening at 10:36 p.m., about 20  
14 minutes after that call? What just happened here so far?

12:10:55PM 15 A. Nio get out of the car.

16 Q. Did the car pull into the driveway?

17 A. Yes.

18 Q. Did you see who got out of the passenger seat and went  
19 into the car first? I'm sorry, went into the house first?

12:11:43PM 20 A. Yes.

21 Q. Who was that?

22 A. Nio.

23 Q. We're going to fast forward a little bit through this clip  
24 here. And at approximately 2:52 in the clip what are you  
12:12:44PM 25 seeing here?



1 A. Me getting out of the car.

2 Q. And where do you go?

3 A. Inside Barrington.

4 Q. That's at 10:39:31. If we can pause it? All right. And  
12:13:08PM 5 you've gone into the house, correct?

6 A. Yes.

7 Q. All right. If we can fast forward now? What's happening  
8 now?

9 A. I'm coming out with Lei.

10 Q. And that's approximately less than 20 seconds after going  
11 in?

12 A. Yes.

13 Q. And what happened from the time you went in to the time  
14 you and Lei came out?

15 A. I don't understand.  
12:13:39PM

16 Q. You went into the house, correct?

17 A. Yes.

18 Q. And then seconds later you and Lei came out of the house?

19 A. Yes.

20 Q. What did you and Lei come out of the house with?  
12:13:49PM

21 A. With some cocaine.

22 Q. And who are you going to see?

23 A. We going to see Yelder.

24 Q. All right. If we can play? Did you go, in fact, see

25 Yelder after leaving approximately at 10:40 p.m. on January  
12:14:08PM

1 2nd?

2 A. Yes.

3 Q. Where did you meet him?

4 A. I meet by Lei's sister building, apartments where her  
12:14:23PM 5 sister live at.

6 Q. And if we can show you Government's Exhibit 24? Is that  
7 the area that you met Yelder at after you just left with Lei?

8 A. Yes.

9 Q. When you met Yelder that night, do you recall how much  
12:15:04PM 10 cocaine you gave him?

11 A. I'm not sure, but when I used to see Yelder I used to give  
12 him eight 62, a half a kilo.

13 Q. All right. You're not sure, but you think it was eight  
14 62s, which is half a kilo?

12:15:22PM 15 A. Yes.

16 Q. Do you remember how much money Yelder gave you that night?

17 A. No.

18 Q. Did he give you any money, do you know?

19 A. Yes.

12:15:37PM 20 Q. All right. Do you have an idea of how much he gave you?

21 **MR. VACCA:** Asked and answered, Your Honor.

22 **THE COURT:** Overruled. Go ahead.

23 **THE WITNESS:** He used to pay me the whole -- for the  
24 whole 62s. One time he pay me some, and he pay me a few days  
12:15:52PM 25 later.

1 **BY MR. MARANGOLA:**

2 Q. All right. This was January 2nd, correct?

3 A. Yes.

4 **MR. MARANGOLA:** At this time I'm going to publish a  
12:16:06PM 5 portion of, if I could, Judge, from the visualizer here  
6 Government's 693?

7 **THE COURT:** Yes.

8 **BY MR. MARANGOLA:**

9 Q. Can you see that on your screen? The line above the ruler  
12:16:30PM 10 on your screen there, Mr. Figueroa?

11 A. Yes.

12 Q. And what's indicated on the line above the ruler here  
13 starting everything from the left all the way to the right?  
14 Start on the far left, what's the date?

12:16:49PM 15 A. 1/2.

16 Q. That's the same day we're talking about?

17 A. Yes.

18 Q. And what's it say next to January 2nd?

19 A. On the paper?

12:17:01PM 20 Q. Pardon?

21 A. On the paper?

22 Q. I'm sorry, I didn't hear your answer.

23 A. You're talking about on the paper what it says?

24 Q. On the paper, yes.

12:17:07PM 25 A. Yes. It says I served Yelder eight 62s. He gave me 4,000

1 and --

2 Q. All right. And what indicates that he paid you 4,000 on  
3 the day that you gave him the eight 62s?

4 A. The number in the middle.

12:17:30PM 5 Q. It says minus 4.000?

6 A. Yes.

7 Q. Is there a date above the 4.000?

8 A. Yes, the 2nd.

9 Q. Does that indicate to you that that's the amount he gave  
10 you that night?

11 A. Yes.

12 Q. All right. And, by the way, at the far right of this  
13 column what's the number? On the far right side of the page?

14 A. Eight.

12:18:01PM 15 Q. Eight?

16 A. Yes.

17 Q. And that was the number of 62s you gave him?

18 A. Yes.

19 **MR. MARANGOLA:** Judge, at this time I'd like to  
12:18:21PM 20 offer Government's 8 and ask that the Court take judicial  
21 notice of it. I previously advised counsel Government 8 is a  
22 calendar from January 2018. It's a calendar of the month of  
23 January in the year 2018.

24 We can pull it up. It's on the -- Ms. Rand, would  
12:18:46PM 25 you mind -- it's not in evidence yet. Just asking --

1                   **MR. VACCA:** I have no objection, Your Honor.

2                   **THE COURT:** Exhibit 8, which is a calendar from  
3 January 2018, will be received.

4                   (**WHEREUPON**, Government's Exhibit 8 was received  
12:19:02PM 5 into evidence).

6 **BY MR. MARANGOLA:**

7 Q. Mr. Figueroa, this calendar, Government's Exhibit 8, that  
8 reflects the date we were talking about January 2nd was a  
9 Tuesday; is that correct?

12:19:12PM 10 A. Yes.

11 Q. Okay. All right. If we can go to the next tab 1-7?

12                   **THE COURT:** Before you see do that maybe we should  
13 take a break now.

14                   **MR. MARANGOLA:** Thank you, Judge.

12:19:32PM 15                   **THE COURT:** Members of the jury, at this time we'll  
16 take a recess. In the meantime, do not discuss the matter or  
17 allow anybody to discuss the matter with you. Jury may step  
18 down.

19                   (**WHEREUPON**, there was a pause in the proceeding).

12:55:39PM 20                   (**WHEREUPON**, the defendant is present).

21                   **THE COURT:** Bring the jury out.

22                   One other adjustment to the schedule. June 8th,  
23 we're just going to break a little bit early that day, 8:30  
24 until 12:45. I have a 1 o'clock meeting with the  
12:56:53PM 25 Second Circuit.

1                   **MR. VACCA:** June 8th, Judge?

2                   **THE COURT:** June 8th. We'll go from 8:30 to 12:45  
3 instead of 1:30.

4                   **MR. VACCA:** Okay.

12:57:04PM 5                   (WHEREUPON, the jury is present).

6                   **THE COURT:** You may continue.

7                   **MR. MARANGOLA:** Thank you, Your Honor.

8 **BY MR. MARANGOLA:**

9 Q. Mr. Figueroa, would you flip to tab 1-7 in your binder?

12:59:16PM 10 A. Yes.

11 Q. Are your initials on the transcript behind the tab at 1-7?

12 A. Yes.

13 Q. And did you listen to the call corresponding to the  
14 transcript behind that tab?

12:59:28PM 15 A. Yes.

16 Q. And who are the speakers in this call?

17 A. Me and Obed.

18 Q. You and Obed?

19 A. Yes.

12:59:40PM 20 Q. All right.

21                   **MR. MARANGOLA:** At this time I'd offer the call  
22 corresponding to 1-7.

23                   **MR. VACCA:** I would object to that, Your Honor.

24                   **THE COURT:** Overruled. 1-7 will be received.

12:59:49PM 25                   (WHEREUPON, Government's Exhibit 1-7 was received

1 into evidence).

2 **BY MR. MARANGOLA:**

3 Q. Before we play this call, Mr. Figueroa, this call  
4 reflects -- the transcript reflects an incoming call to your  
01:00:02PM 5 personal number 743-0005; is that right?

6 A. Yes.

7 Q. And that's from 673-6756; is that correct?

8 A. Yes.

9 Q. I'd like you to look on your monitor there. We have  
01:00:21PM 10 Government's 494A, which is the extraction -- cell phone  
11 extraction from 766-8057, the defendant's personal phone. And  
12 ask you do you see the number that called your personal number  
13 on the transcript?

14 Do you see that on this contact?

01:00:42PM 15 A. Yes.

16 Q. And what's the name of the contact on the exhibit on your  
17 screen?

18 A. Obed.

19 Q. Well, does it say Obed?

01:00:53PM 20 A. OBB.

21 Q. It says OBB?

22 A. Yes.

23 Q. Okay. And this call in the transcript was between you and  
24 Obed?

01:01:01PM 25 A. Yes.

1 Q. Okay. So Obed's number is in Javi's personal phone; is  
2 that right?

3 A. Yes.

4 Q. Okay. If we can now play the call corresponding to tab  
01:01:16PM 5 1-7? Mr. Figueroa, in this call what is Obed asking you to  
6 do?

7 A. To take him to Walmart.

8 Q. I'm sorry?

9 A. To take him to Walmart.

01:02:38PM 10 Q. To take him to Walmart?

11 A. Yes.

12 Q. And he says in the call I'm going to buy the *maraca* first  
13 and then to the Walmart and that's it. Did you see that?

14 A. Yes.

01:02:48PM 15 Q. And when he said *maraca*, what did you understand him to be  
16 referring to?

17 **MR. VACCA:** Objection, Your Honor.

18 **THE COURT:** Overruled.

19 **BY MR. MARANGOLA:**

01:02:57PM 20 Q. You can answer.

21 A. To go buy a flip phone.

22 Q. All right. So the number that Obed is calling your  
23 personal phone, would that be a *maraca* number or would that be  
24 Obed's personal number that he's calling you on?

01:03:09PM 25 A. On his personal number.



1 Q. Okay. When he said I'm here in the apartment, where did  
2 you understand him to be?

3 A. East Main.

4 Q. Apartment on East Main?

01:03:22PM 5 A. Yes.

6 Q. All right. And is that where he was waiting for you when  
7 he said I'll wait for you here now?

8 A. Yes.

9 Q. When you say East Main, you said a couple of addresses on  
01:03:34PM 10 East Main. Do you remember the address that you're referring  
11 to in this call?

12 A. Yeah, that's the newest building. Not 699. The other  
13 building.

14 Q. Not 699, the other building?

01:03:48PM 15 A. Yes.

16 Q. All right.

17 **MR. MARANGOLA:** If we could flip to the next tab  
18 1-8? We'll go through 1-8, 9 and 10, which I believe, Your  
19 Honor, have been received. They're just data for missed  
01:04:10PM 20 calls.

21 **THE COURT:** Yes, 1-8, 1-9 and 1-10 have been  
22 previously received.

23 **MR. MARANGOLA:** Thank you.

24 **BY MR. MARANGOLA:**

01:04:17PM 25 Q. And, Mr. Figueroa, these are incoming calls to your

1 personal number; is that correct?

2 A. Yes.

3 Q. 1-8? Same thing with 1-9?

4 A. Yes.

01:04:34PM 5 Q. And same thing with 1-10?

6 A. Yes.

7 Q. And 1-10 is an outgoing from your number to which number?

8 A. I don't -- I don't remember the number.

9 Q. I'm sorry?

01:05:04PM 10 A. I don't remember that number.

11 Q. Okay. Is that the same number that had -- well, let's pull  
12 up -- let's flip the tab here and go to 1-11. Are you at tab  
13 1-11?

14 A. Yes.

01:05:24PM 15 Q. Are your initials on that transcript behind 1-11?

16 A. Yes.

17 Q. And did you listen to the call corresponding to the  
18 transcript at 1-11?

19 A. Yes.

01:05:34PM 20 Q. And who is that call between?

21 A. That's me and Yelder.

22 Q. All right.

23 **MR. MARANGOLA:** At this time I'd offer -- I believe  
24 this was also received, but I'd offer 1-11 if it was not.

01:05:48PM 25 **THE COURT:** Yes, 1-11 was previously received.

1                   **MR. MARANGOLA:** Thank you.

2   **BY MR. MARANGOLA:**

3   Q.   All right.  If we could play this?  Mr. Figueroa, when  
4   Mr. Yelder said in the call I got to hurry up and get Big Bro  
01:07:42PM 5   what I owe him, and this call is on January 5th, can you tell  
6   us what you understood him to mean?

7                   **MR. VACCA:** Objection, Your Honor.

8                   **THE COURT:** Overruled.  You can answer that.

9                   **THE WITNESS:** He owe my brother some money for some  
01:07:55PM 10   coke.

11   **BY MR. MARANGOLA:**

12   Q.   That Yelder owed your brother Javi money for coke?

13   A.   Yes.

14   Q.   And then when Yelder says then the same -- same exact  
01:08:04PM 15   thing, you know what I'm saying, what did you understand  
16   Yelder to mean?

17                   **MR. VACCA:** Objection, Your Honor.

18                   **THE COURT:** Overruled.

19                   **THE WITNESS:** Several of the same amount of 62s that  
01:08:15PM 20   I gave him the first -- the previous time.

21   **BY MR. MARANGOLA:**

22   Q.   The previous time?

23   A.   Yes.

24   Q.   And when Yelder said grab that from Big Bro, tell him I  
01:08:27PM 25   got everything for him the same way, just keep it in one piece

1 if you can, what did you understand him to mean?

2 A. Telling me to grab the coke from my brother, but he don't  
3 want it in 62 loose, he want half a key in one piece.

4 Q. One key?

01:08:45PM 5 A. He want half a key, but in one piece.

6 Q. Half a kilo?

7 A. Yes, in one piece.

8 Q. Instead of broken down into 62s?

9 A. Yes.

01:08:59PM 10 Q. All right. And what do you tell Yelder you're going to  
11 do? When you tell Yelder I'll tell him, I'll tell him, I'll  
12 tell him, what are you telling Yelder?

13 A. That I'm going to tell my brother Javi.

14 Q. You're going to tell him what?

01:09:24PM 15 A. That he wants some coke and he ready for him.

16 Q. You mean Yelder is ready to get more cocaine?

17 A. Yes, pay what he owe and get some more.

18 Q. Okay. Let's flip to tab 1-12. Are your initials on this  
19 transcript as well, Mr. Figueroa?

01:09:48PM 20 A. Yes.

21 Q. And did you listen to the call corresponding to this  
22 transcript?

23 A. Yes.

24 Q. Who are the speakers in this call?

01:09:56PM 25 A. Me and Yelder.

1 Q. All right.

2 **MR. MARANGOLA:** I believe this was also received  
3 1-12.

4 **THE COURT:** Yes, 1-12 was previously received.

01:10:11PM 5 **BY MR. MARANGOLA:**

6 Q. Before we play the call, if we could publish Government's  
7 Exhibit 8, which is our calendar? And, Mr. Figueroa, do you  
8 see January 5th on here?

9 A. Yes.

01:10:38PM 10 Q. What day of the week is January -- was January 5th, 2018,  
11 according to the calendar?

12 A. Friday.

13 Q. All right. And the call that we have here that we're  
14 about to play is on tab 1-12, that's Friday, January 5th; is  
01:10:53PM 15 that right?

16 A. Yes.

17 Q. All right. If we could play this? Mr. Figueroa, when --  
18 can you explain to us what you understood Yelder to mean in  
19 this conversation?

01:12:08PM 20 A. Yes.

21 **MR. VACCA:** Objection, Your Honor.

22 **THE COURT:** Overruled. Go ahead.

23 **THE WITNESS:** Yes. He asked me when I see my  
24 brother to tell him if he got some of the other stuff, not the  
01:12:19PM 25 stuff he got from last week, people was complaining. He wants

1 a different one. And if not, to leave it like that.

2 **BY MR. MARANGOLA:**

3 Q. If not then what?

4 A. If not, then that's all right. If he say no, that's all  
01:12:33PM 5 right.

6 Q. All right. So when Yelder said not the one I just got,  
7 what did you understand Yelder to be referring to?

8 A. The cocaine that he give him before.

9 Q. Okay. When he said in the beginning ask if he have the  
01:12:49PM 10 other one laying around, the one from last week, the older  
11 stuff, what did you understand that to be a reference to?

12 A. From the coke that he got from before.

13 Q. From before January 2nd?

14 A. Yes.

01:13:04PM 15 Q. Okay. When he said people are complaining, what did you  
16 understand Yelder to mean?

17 A. That people that he was dealing with, they wasn't liking  
18 the coke.

19 Q. They didn't like the cocaine?

01:13:15PM 20 A. Yes, they was complaining about it.

21 Q. Had Yelder ever -- during the time that you dealt with  
22 Yelder, had he ever complained about the quality of the  
23 cocaine to you?

24 A. No.

01:13:26PM 25 Q. At any point had he ever complained about the quality of

1 the cocaine?

2 A. Only one time.

3 Q. One time meaning this time or one other time?

4 A. That I can't remember -- I can't recall, I can't remember  
01:13:46PM 5 that.

6 Q. Do you remember ever introducing Yelder to Javi?

7 A. Yes.

8 Q. Can you tell us about that?

9 A. Yes. That was when Yelder was trying to buy the whole

01:14:03PM 10 half a kilo in one piece, and me and my brother went to meet  
11 him where Leitscha sister live at and we went and serve him.

12 Q. All right. Was there ever a time where your brother cooked  
13 crack cocaine in front of Yelder?

14 A. Yes.

01:14:21PM 15 **MR. VACCA:** Objection, Your Honor.

16 **THE COURT:** Overruled. The answer will stand.

17 **MR. MARANGOLA:** I'm sorry, Judge.

18 **BY MR. MARANGOLA:**

19 Q. When was that?

01:14:31PM 20 A. That was a time when I was talking to my brother saying  
21 that Yelder brother want to buy a whole kilo, and he served  
22 Yelder the kilo.

23 His brother didn't like the way the kilo was, he  
24 said there something wrong with it. My brother got mad  
01:14:50PM 25 because the other brother got some white dude cooking up the

1 crack for him, he was robbing him. So we went to Leitscha's  
2 sister apartment.

3 Q. Who went to Leitscha's sister apartment?

4 A. Me and my brother and Yelder.

01:15:02PM 5 Q. What happened there?

6 A. And when we was there, my brother got a whole -- he got 62  
7 grams and cook it right in from of him. And when he cook it  
8 in front of him, he put it on top of the napkin and it was 70  
9 grams that came back.

01:15:15PM 10 And he told Yelder and Yelder was going to his  
11 brother telling his brother that the white guy was lying to  
12 him. And then my brother was so mad -- that when he get mad,  
13 he get like that, he got the money -- he give him the money  
14 back and he didn't want to deal with him.

01:15:31PM 15 Q. Who didn't want to deal with who?

16 A. My brother didn't want to deal with Yelder's brother.

17 Q. And why did your brother cook 62 grams of cocaine into  
18 crack in front of Yelder on that occasion?

19 A. To show him that whoever was cooking for Yelder's brother  
01:15:48PM 20 was lying to him.

21 Q. About what?

22 A. About the amount that it was bringing back because when  
23 you cook 62 grams and you put the stuff that he put in it,  
24 it's supposed to become more. From 62 you turn it into like  
01:16:05PM 25 around 70.



1 Q. And if it doesn't come back to that, what is that an  
2 indication of?

3 A. That the coke is no -- it's not good; or whoever is  
4 cooking it is doing it wrong.

01:16:20PM 5 Q. All right. Okay. Let's go to the next call -- next tab  
6 which is 1-13. And this is the same day; is that right?  
7 January 5th?

8 A. Yes.

9 Q. And it's at what time?

01:16:47PM 10 A. 7:23.

11 Q. All right. Now, before we play this call from January 5th,  
12 if we could pull up Government's Exhibit 795? And you see a  
13 package delivery on Government's Exhibit 795 from delivery to  
14 286 Garson on January 5th, 2018?

01:17:34PM 15 A. Yes.

16 Q. That's the same day as this call; is that correct?

17 A. Yes.

18 Q. All right. Now, before we play the call I'd like to go to  
19 Government's 22, the pole camera compilation, and play the  
01:17:55PM 20 clip on January 5th at 6:26 p.m..

21 Judge, if I could have just a minute? We'll skip  
22 that one.

23 We'll go to 7:05, 1905. If we can pause it here at  
24 7:05 p.m. on January 5th, 2018. This is at Barrington,

01:19:07PM 25 Mr. Figueroa?

1 A. Yes.

2 Q. And you see any cars in the driveway?

3 A. Yes.

4 Q. Whose cars are in the driveway?

01:19:18PM 5 A. My car, my brother GMC, and another car behind my brother  
6 car, but can hardly see it.

7 Q. And what did you say? Another car what?

8 A. Another car behind my brother car, but I could hardly see  
9 it.

01:19:30PM 10 Q. You can hardly see it, all right. Do you see an  
11 individual in the screen where we have it paused here at  
12 approximately four seconds into the clip?

13 A. Yes.

14 Q. And who is that?

01:19:47PM 15 A. Look like Lei.

16 Q. All right. Let's play.

17 A. Yes.

18 Q. What do you see Lei doing?

19 A. Carrying a box to Barrington.

01:20:05PM 20 Q. All right. That was at 7:05 p.m. If we could play the  
21 call now corresponding to 1-13? And this is at 7:23 p.m..

22 Mr. Figueroa, when you told Yelder I'm gonna call  
23 you on the other one right now, you heard, what were you  
24 telling him?

01:21:33PM 25 A. That I'm gonna call him from the *maraca*.

1 Q. And when you say the *maraca*, you're referring to your drug  
2 phone?

3 A. Yes.

4 Q. Why were you going to call him from your drug phone  
01:21:44PM 5 instead of your personal phone?

6 A. Because personal phone can be tracked to you.

7 Q. All right. But there obviously have been occasions where  
8 you were still calling Yelder from your personal phone; is  
9 that right?

01:21:57PM 10 A. Yes.

11 Q. All right. And this call is -- that we just played was at  
12 7:23 p.m. on January 5th; is that right?

13 A. Yes.

14 Q. All right.

01:22:09PM 15 **MR. MARANGOLA:** Judge, if I could pull this one  
16 additional portion from Government's Exhibit 14, the certified  
17 records from AT&T regarding 485-9741?

18 **BY MR. MARANGOLA:**

19 Q. And entries 124 and 125 reflect a call to 732-8902 from  
01:22:48PM 20 485-9741 at -- on January 6th, '18 at 0024, which is adjusted  
21 for UTC time January 5th at 7:24 p.m..

22 Mr. Figueroa, do you see Orlando Yelder's number  
23 here?

24 A. Yes.

01:23:13PM 25 Q. And that's the 732-8902 number?

1 A. Yes.

2 Q. What's the -- does that refresh -- does this refresh your  
3 memory as to what your *maraca* number was, the number next to  
4 Orlando Yelder's?

01:23:29PM 5 A. A little bit because I never memorized it.

6 Q. Pardon?

7 A. A little bit because I ain't never memorized it.

8 Q. You never memorized it, is that what you said?

9 A. Yes.

01:23:38PM 10 Q. In the call that we just played at 7:23 you told Yelder  
11 you were going to call him on your *maraca*, correct?

12 A. Yes.

13 Q. And then at 7:24 the number that called Yelder was  
14 485-9741; is that right?

01:23:57PM 15 A. Yes.

16 Q. Okay. And did you meet up with Yelder later on that day?

17 A. I probably did, but I'm not sure.

18 Q. All right. If we can play from Government's Exhibit 22,  
19 the pole camera compilation, at 8:19 p.m. on January 5th?

01:24:51PM 20 Mr. Figueroa, we're looking at 2 again; is that right?

21 A. Yes.

22 Q. And who is walking from the residence?

23 A. That's me.

24 Q. And do you have something in your hand?

01:25:01PM 25 A. Yeah, I got a book bag.

1 Q. All right. And where are you going?

2 A. I'm gonna see Yelder.

3 Q. And do you see another person who just came out of the  
4 residence?

01:25:12PM 5 A. Yes.

6 Q. And is walking along the driveway?

7 A. Yes.

8 Q. Who is that?

9 A. That's Lei.

01:25:16PM 10 Q. And what is she doing?

11 A. Going to get in the car.

12 Q. And you and Lei are going to see Yelder?

13 A. Yes.

14 Q. And whose vehicle is still in the driveway?

01:25:29PM 15 A. My brother Javi.

16 Q. All right. Does that refresh your memory as to whether or  
17 not you went to see Yelder that day?

18 A. Yes.

19 Q. All right. Do you remember how much cocaine you gave him  
01:25:45PM 20 or how much money he gave you?

21 A. No.

22 Q. Let me show a portion of Government's 693, which is the  
23 ledger seized from 292 Barrington. Do you see the entry above  
24 the ruler there next to January 5th?

01:26:19PM 25 A. Yes.

1 Q. And what does it say?

2 A. It say Rob *prieto*.

3 Q. Does looking at that refresh your recollection as to how  
4 much cocaine you brought to Yelder that day?

01:26:30PM 5 A. Yes.

6 Q. And how much did you bring to Yelder?

7 A. Eight 62s.

8 Q. And does it indicate that Yelder provided you a sum of  
9 money that day?

01:26:40PM 10 A. Yes.

11 Q. And what does it say?

12 A. He gave me 4,000.

13 Q. All right. Now, if we go up to the entry we looked at  
14 before from January 2nd, do you also see the date January 5th  
01:26:57PM 15 written up there?

16 A. Yes.

17 Q. And what does that indicate to you?

18 A. That he pay me the 12,000.

19 Q. On when?

01:27:06PM 20 A. On January 5th.

21 Q. So in total what do you believe that Orlando paid you on  
22 January 5th?

23 A. The 12,000.

24 Q. Is there an indication here of Orlando paying you money in  
01:27:30PM 25 addition to the 12,000 on January 5th?

1 A. I don't understand the question.

2 Q. Do you see the date January 5th?

3 A. Yes.

4 Q. And is there an indication of what quantity of money being  
01:27:49PM 5 paid in addition to the 12,000 that you just looked at, is  
6 there an indication of additional money being paid to you on  
7 January 5th?

8 A. Yes.

9 Q. How much?

01:28:00PM 10 A. The 4,000.

11 Q. All right. So based on that how much money in total do you  
12 believe Orlando paid you on January 5th?

13 A. Like 14,000.

14 Q. How much is 12,000 plus the 4,000?

01:28:20PM 15 A. 16,000.

16 Q. All right. And that would be the price of how much  
17 cocaine?

18 A. A half a key.

19 Q. All right. If we can flip to the next tab 1-14?

01:28:53PM 20 **MR. MARANGOLA:** Judge, this was a missed call that  
21 Investigator Briganti laid the foundation for, so I would  
22 offer the data and transcript of the automated response on the  
23 transcript behind tab 1-14.

24 **MR. VACCA:** No objection, Your Honor.

01:29:20PM 25 **THE COURT:** 1-14 will be received.

1 (WHEREUPON, Government's Exhibit 1-14 was received  
2 into evidence).

3 MR. MARANGOLA: All right.

4 BY MR. MARANGOLA:

01:29:35PM 5 Q. If we could show Government's Exhibit 10? Mr. Yelder --  
6 I'm sorry, Mr. Figueroa, do you see the number that we just  
7 saw for your phone earlier, 485-9741, next to your name on  
8 this chart? 485-9741?

9 A. Yes.

01:30:23PM 10 Q. Okay. That indicates, according to the chart, that this  
11 was a wiretap phone; is that right?

12 A. Yes.

13 Q. And that's the number that we just observed that you  
14 called Yelder after indicating you were going to call him on  
01:30:34PM 15 the other one; is that right?

16 A. Yes.

17 Q. Now, the call that you have in front of you on tab 1-14,  
18 that's an outgoing call from this number 485-9741; is that  
19 correct?

01:30:49PM 20 A. Yes.

21 Q. And the number that you called on this transcript 1-14 is  
22 662-8156; is that correct?

23 A. Yes.

24 Q. And do you see that number in the second line from the top  
01:31:07PM 25 of this chart in Government's Exhibit 10? The second line



1 from the top?

2 A. Yes.

3 Q. And who is the user listed on the chart for 662-8156?

4 A. My brother Javi.

01:31:31PM 5 Q. All right. Now, these -- so these two numbers here on this  
6 transcript, they're not your and Javi's personal numbers; is  
7 that right?

8 A. Yes.

9 Q. What numbers are they?

01:31:39PM 10 A. The *maraca* number.

11 Q. The *maraca* numbers?

12 A. Yes.

13 Q. For you and Javi?

14 A. Yes.

01:31:49PM 15 Q. All right. If we can go to the next tab 1-15?

16 Mr. Figueroa, are your initials on this transcript?

17 A. Yes.

18 Q. And did you listen to the call that corresponds to this  
19 transcript?

01:32:12PM 20 A. Yes.

21 Q. And who are the speakers in this call?

22 A. Me and my brother Javi.

23 Q. All right. And this call is at 2:18:17 p.m.; is that  
24 right?

01:32:29PM 25 A. Yes.

1 Q. Approximately one minute after the previous missed call we  
2 just saw in tab 1-15; is that right?

3 A. Yes.

4 Q. All right.

01:32:40PM 5 **MR. MARANGOLA:** At this time I'd offer the call  
6 corresponding to tab 1-15.

7 **MR. VACCA:** I'd object, Your Honor, grounds of lack  
8 of foundation and no relevancy.

9 **THE COURT:** Overruled. Exhibit 1-15 will be  
01:32:54PM 10 received.

11 (WHEREUPON, Government's Exhibit 1-15 was received  
12 into evidence).

13 **BY MR. MARANGOLA:**

14 Q. All right. Before we play this call, the *maraca* number  
01:33:04PM 15 that you have -- that's reflected on this transcript for Javi  
16 is 662-8156; is that right?

17 A. Yes.

18 Q. And at this time if we could show Exhibit 668, which is  
19 the extraction for 662-8164? Mr. Figueroa, do you see the  
01:33:44PM 20 number for Javi's *maraca* of 662-8156 in the contact in this  
21 Exhibit 668A?

22 A. Yes.

23 Q. And what's the name of the contact in this exhibit?

24 A. *Viejo*.

01:33:59PM 25 Q. And who did -- in your group who was *viejo*?

1 A. My brother Javi.

2 Q. If we can go to Exhibit 752A? 752A is the extraction for  
3 485-4520, and contact No. 9. Do you see Javi's *maraca* number  
4 there?

01:34:48PM 5 A. Yes.

6 Q. And what's the name of the contact associated with Javi's  
7 *maraca* 662-8156?

8 A. Hulk.

9 Q. And, finally, Government's 464A, which is the extraction  
01:35:05PM 10 for 485-9001. And the third contact, do you see the number  
11 for your brother Javi to -- I'm sorry, Javi's *maraca* 662-8156  
12 in that contact?

13 A. Yes.

14 Q. And what's the name associated with it?

01:35:29PM 15 A. C.

16 Q. What's your brother's first name?

17 A. Carlos.

18 Q. Okay. If we could go back to the call here at 1-15? And  
19 start it at 3:18 into the call.

01:36:08PM 20 I'm sorry, Judge, we started the captioned call  
21 right at the 3:18 mark. I apologize. I thought we had to  
22 fast forward.

23 Mr. Figueroa, when you told your brother Javi we're  
24 going to start over here, we're going to start over here, what  
01:37:12PM 25 were you telling him you were going to start?

1 A. Start packing up coke.

2 Q. Where are you?

3 A. I'm in Barrington.

4 Q. And when you say we, who is gonna start?

01:37:25PM 5 A. I'm gonna start.

6 Q. All right. When you told him I checked the last one at the  
7 bottom, what are you talking about?

8 A. Talking about the Home Depot bucket, checking for -- for  
9 the 62s and 31s.

01:37:43PM 10 Q. So the last one is what? Meaning what?

11 A. I don't understand the question.

12 Q. Last one at the bottom means a 31 or a 62 at the bottom of  
13 the Home Depot bucket?

14 A. Because there's a whole bunch of them, so you got to dig  
01:38:01PM 15 to the bottom to get the little one, the smaller one.

16 Q. When Javi said yes, from the ones that are already  
17 separated, what did you understand Javi to be telling you?

18 A. Not a whole kilo. The 62s is broken down.

19 Q. When he said -- when you said so there are two down there,  
01:38:21PM 20 a little one and a big one, what did you mean when you said  
21 the little one and the big one?

22 A. I mean it's a 62 and a 31.

23 Q. The big one is the 62 and the little one is the 31?

24 A. Yes.

01:38:32PM 25 Q. So when you told him you're going to start with the little

1 one at the end, you're going to start packaging 31 grams of  
2 cocaine?

3 A. Yes.

4 Q. And when you said until, you know, until -- and then it  
01:38:48PM 5 says UI for unintelligible -- arrive, what were you referring  
6 to? Until who arrives?

7 A. I'm not sure. Probably talking about Lei.

8 Q. Why were you calling to tell your brother that you were  
9 gonna start bagging cocaine?

01:39:11PM 10 A. Because you can't touch nothing without him knowing. You  
11 got to let him know first. If he give you the okay, you do  
12 it.

13 Q. All right. If we can go to Government's 22, the pole  
14 camera compilation, from later the same day January 7th at  
01:39:34PM 15 3:44 p.m. at Barrington. Whose car is in the driveway here at  
16 Barrington?

17 A. My car.

18 Q. If we can fast forward to approximately 42 seconds into  
19 this clip. Can you tell us what we just observed there?

01:40:05PM 20 A. My brother arrive.

21 Q. He pulled in the driveway?

22 A. Yes.

23 Q. Behind your car?

24 A. Yes.

01:40:14PM 25 Q. All right. And then if we can fast forward to

1 approximately 5 minutes and 30 seconds into this clip. Can  
2 you tell us what you see happening here?

3 A. See my brother and Naldi get out.

4 Q. Your brother and who?

01:40:45PM 5 A. My brother's brother-in-law Naldi.

6 Q. Is that N-A-L-D-I?

7 A. Yes.

8 Q. Which part of the truck did Javi get out of?

9 A. The driver's side.

01:41:01PM 10 Q. Did Naldi get out of the passenger's side?

11 A. Yes.

12 Q. What happened after Javi and Naldi came into 292  
13 Barrington while you were in there? Go ahead.

14 A. I don't remember, but we packaged up some coke.

01:41:24PM 15 Q. Do you remember if you were still packaging the coke that  
16 you mentioned in the call at 2:18, about an hour and a half  
17 earlier?

18 A. Probably did, but I'm not sure.

19 Q. You're not sure, though?

01:41:35PM 20 A. Yes.

21 Q. Okay. If we can go to next tab 1-16?

22 **THE COURT:** Let's say we stop before you get into  
23 another one.

24 **MR. MARANGOLA:** I'm sorry, Judge.

01:41:47PM 25 **THE COURT:** Ladies and gentlemen, at this time we're

1 going to recess until 8:30 tomorrow morning. In the meantime,  
2 I'd ask you not discuss the matter or allow anybody to discuss  
3 the matter with you.

4 We have one more slight change in the calendar:  
01:41:59PM 5 Tuesday, June 8th we'll go from 8:30 to 12:45 instead of 1:30  
6 that day, a little short that day. I have a meeting. Thank  
7 you, you may step down, have a good evening.

8 (WHEREUPON, proceedings adjourned at 1:42 p.m.)

9 \* \* \*

10 CERTIFICATE OF REPORTER

11

12 In accordance with 28, U.S.C., 753(b), I certify that  
13 these original notes are a true and correct record of  
14 proceedings in the United States District Court for the  
15 Western District of New York before the Honorable Frank P.  
16 Geraci, Jr. on June 2nd, 2021.

17

18 S/ Christi A. Macri

19 Christi A. Macri, FAPR-RMR-CRR-CSR(CA/NY)  
20 Official Court Reporter

21

22

23

24

25